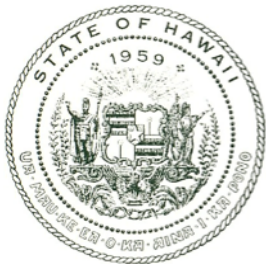


HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA
CYD HOFFELD
JUDY KERN
MARILYN LEE
AMY MONK
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Catherine Betts, JD

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February 28, 2017

To: Representative Sylvia Luke, Chair
Representative Ty Cullen, Vice Chair
Members of the House Committee on Finance

From: Cathy Betts
Executive Director, Hawaii State Commission on the Status of Women

Re: Comments Regarding HB 80, HD1, Relating to Annulment, Divorce
and Separation

Thank you for this opportunity to provide comments regarding HB 80, HD1, which would effectively create several different types of injunctions upon the filing and serving of a complaint for divorce. The Commission appreciates the intent of this measure.

HB 80, HD1 addresses several areas which are already addressed by the courts. The Commission is extremely concerned about the application of this language in cases where there is domestic violence or family violence. When people divorce, the parties often move. Sometimes this means children change schools and move with the custodial parent. Or, in situations of violence, moving the children may be the only safe action to undertake. If HB 80, HD1 is passed as written, an abusive partner could file the complaint, serve the complaint upon the abused partner, and the abused partner would automatically become enjoined from moving his or her children from the home or the school. This creates a serious safety issue and could easily be used as a tactic of abuse and intimidation.

Thank you for the opportunity to provide comments on this measure.



TO: Chair Luke
Vice Chair Cullen
Members of the Committee on Finance

FR: Nanci Kreidman, M.A.
Chief Executive Officer

RE: HB 80 HD1

Aloha! Thank you for the opportunity to provide our testimony in opposition to HB 80 HD1.

We are not in favor of the Court issuing an automatic restraining order in any divorce, annulment or separation. It would seem to us that judges should have the discretion to determine, after hearing evidence, on a case by case basis whether an order should be issued pertaining to sale or transfer of any property or assets.

Sometimes a victim may not anticipate the harm that can befall her (him) if a partner decides to hide assets or claim marital assets. It would seem that a better way could be devised to put protections into place to guard against such exploitation. On the other hand, incurring debt may be an inevitable outcome for victims, as they are more often without resources, and too often, return to their abusers because they do not have sufficient resources to sustain independence or support for the children.

It is a concern for us that personal service is not required, but could the order could be made effective by publication. Given the seriousness of The restrictions imposed by the orders are serious and we believe that the notice should be by personal service which is the standard for existing statute.

We are also opposed to the prohibition of parties to remove the children from the island or from the school they are attending. There are safety considerations that must be taken into consideration and assessed appropriately. There may be real needs to escape that should not result in punishment of a victim acting in the best interests of herself (himself) and her (his) children.

We rely on our Courts to have judges well trained and equipped to address property and safety issues.

Thank you for holding this Bill.



DOMESTIC VIOLENCE ACTION CENTER
ADDRESS: P.O. BOX 3198, HONOLULU, HI 96801-3198
LEGAL HELPLINE: (808) 531-3771
TOLL-FREE NEIGHBOR ISLAND HELPLINE: (800) 690-6200
WEBSITE: WWW.DOMESTICVIOLENCEACTIONCENTER.ORG
EMAIL: DVAC@STOPTHEVIOLENCE.ORG



TO: Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance

FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

DATE/LOCATION: March 1, 2017; 11:00 a.m., Conference Room 308

RE: TESTIMONY IN OPPOSITION OF HB 80 HD1 – RELATING TO ANNULMENT, DIVORCE, AND SEPARATION

We urge you to oppose HB 80 HD1 – Relating to Annulment, Divorce, and Separation. Our concern over this bill is the impact it may have on victims of domestic violence. Every year in the United States, 12 million people (24 people per minute) become victims of rape, physical violence, or stalking by an intimate partner. 76% of the women who were killed by intimate partners and 85% of women who survive homicide attempts are stalked prior to the incident. Attempting to escape from an abusive relationship is one of the most dangerous periods the victim goes through as they put themselves and close ones at risk of encountering the perpetrator.

Victims fleeing these dangerous situations often seek safety in shelters. For the victims and their children, shelters are often located outside of their home district. Parents And Children Together operates two shelters. Many of the survivors and their children come to us from the opposite sides of the island/state. With the mandate of not being able to move their child from their current school, moms with children and babies would have to pack up the family early in the morning and make a long journey, thus causing undue hardship and secondary trauma. More importantly, requiring a child to remain in their current school poses a huge safety risk. How can a family flee violence when their perpetrator has easy access to the family through their school of origin?

Survivors have the right to protection in these dangerous situations and it is incumbent on us to ensure their safety.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 18,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 16 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, child and adolescent behavioral health programs, sex trafficking intervention, and community building programs.

Thank you for the opportunity to testify in **opposition to HB 80**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.



February 28, 2017

Representative Sylvia Luke, Chair
House Committee on Finance

Re: H.B. 80, H.D. 1 Relating to Annulment, Divorce, and Separation

Hearing: Wednesday, March 1, 2017, 11:00 am, Room 308

Dear Chair Luke and Members of the Committee on Finance:

Hawaii Women Lawyers submits this testimony in **support** of H.B. 80, H.D.1, which proposes to add a new section to HRS Chapter 580 to creating an automatic restraining order to preserve the status quo at the time of the commencement of an annulment, divorce, or separation case.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Hawaii Women Lawyers supports this bill because it would provide vital protections for women facing annulment, divorce, or separation from their spouses. This measure would follow a practice adopted in California and other states which automatically impose an injunction against both parties in an annulment, divorce, or separation case, preventing the parties from hiding or committing waste with marital assets. The Fifth Circuit Court in Hawaii also currently follows this practice.

H.B. 80, H.D.1 prohibits the parties to an annulment, divorce or separation case from selling, concealing or disposing of any real or personal property, except for what is required for everyday expenses, attorney's fees, or as required by the court. The bill would also prohibit the incurring of debts that would burden the other party, and preserve health insurance, auto insurance disability insurance, life insurance, pensions or retirement plans. Finally, H.B. 80, H.D.1 would require that minor children cannot be removed from their residence or school.

In very contentions situations, a spouse might take actions to harm the other party after an action for annulment, divorce or separation is filed. Spouses that lack means or are participating pro se in annulment, divorce or separation case are in particularly precarious positions, and may also not be aware of their right to request a pre-decree

restraining order. Automatic restraining orders address this issue, and would protect against adverse actions of the parties and protect the marital estate in all cases. The automatic restraining orders in this bill would also provide stability for children by preventing them from being removed to other jurisdictions and keeping them in their schools.

The language in H.B. 80, H.D.1, also provides for flexibility and allows for automatic restraining orders to be modified by agreement of the parties or upon motion, by order of the court.

For the above reasons, we support this measure and respectfully request its passage for further consideration.

Thank you for the opportunity to submit testimony in support of this bill.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 2:38 PM
To: FINTestimony
Cc: lady.flach@gmail.com
Subject: Submitted testimony for HB80 on Mar 1, 2017 11:00AM

HB80

Submitted on: 2/27/2017

Testimony for FIN on Mar 1, 2017 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments: Anybody that has been through a divorce knows THIS is a "no brainer".

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 28, 2017 1:02 PM
To: FINTestimony
Cc: panther_dave@yahoo.com
Subject: Submitted testimony for HB80 on Mar 1, 2017 11:00AM

HB80

Submitted on: 2/28/2017

Testimony for FIN on Mar 1, 2017 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Dave Kisor	Individual	Support	No

Comments: Having survived one divorce, I whole heartedly support this legislation.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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