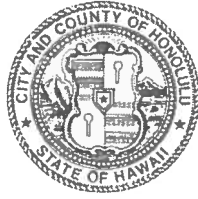


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
AARON TAKASAKI-YOUNG
DEPUTY CHIEFS

OUR REFERENCE **RP-KK**

March 23, 2021

The Honorable Joy A. San Buenaventura, Chair
and Members
Committee on Human Services
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 225
Honolulu, Hawaii 96813

Dear Chair San Buenaventura and Members:

SUBJECT: House Bill No. 1237, H.D. 1, Relating to the Judiciary

I am Randall Platt, Captain of District 4 of the Honolulu Police Department (HPD),
City and County of Honolulu.

The HPD supports House Bill No. 1237, H.D. 1, Relating to the Judiciary.

Temporary restraining orders, protective orders, and injunctions against harassment
for a minor typically expire when the minor reaches the age of 18. The 18-year old then has
to go to court and refile the order or injunction. This process can be physically and
emotionally difficult and traumatic, especially if the hearings are repeatedly continued.

This bill clarifies that the effective period of the original temporary restraining order,
protective order, or injunction may extend to a fixed, reasonable date after the minor has
reached the age of 18.

The HPD urges you to support House Bill No. 1237, H.D. 1, Relating to the Judiciary,
and thanks you for the opportunity to testify.

APPROVED:

Handwritten signature of Susan Ballard in black ink.

Susan Ballard
Chief of Police

Sincerely,

Handwritten signature of Randall Platt in black ink.

Randall Platt, Captain
District 4

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM
PROSECUTING ATTORNEY



THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HUMAN SERVICES
Thirty-first State Legislature
Regular Session of 2021
State of Hawai'i

March 23, 2021

RE: H.B. 1237, H.D. 1, RELATING TO THE JUDICIARY.

Chair San Buenaventura, Vice-Chair Ihara and members of the Senate Committee on Human Services, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **support** of H.B. 1237, H.D. 1.

The purpose of H.B. 1237, H.D. 1, is to close an unintended loophole in the Hawaii Revised Statutes (“HRS”), by clarifying that certain Temporary Restraining Orders involving minors, and certain Protective Orders involving minors, may be court-ordered to extend beyond the minor’s eighteenth birthday. Specifically, this bill amends the following statutes, to allow these protections to extend beyond a minor’s eighteenth birthday:

- (1) HRS Section 586-5(a): Domestic abuse temporary restraining orders;
- (2) HRS Section 586-5.5(a) and (b): Domestic abuse protective orders; and
- (3) HRS Section 604-10.5(g): Temporary restraining orders for harassment.

Under current statutes, it is unclear whether these temporary restraining orders or protective orders (that involve a minor) can extend beyond a minor’s eighteenth birthday, and most Hawaii judges currently order that the protection afforded by these important protective measures ends upon a minor achieving legal adulthood. As a practical matter, this means that, upon turning eighteen years old, a new adult will be forced to negotiate the bureaucratic process to request and obtain their own order for legal protection. Inherent in this process is the challenge of convincing a court to issue a new order, based on abuse and threats that occurred

during the petitioner's childhood, even if the abuse is not ongoing due to the perpetrator being presently incarcerated.

Similarly, parents may seek a Temporary Restraining Order for Harassment, to protect a child from sexual exploitation by an adult. These orders are often very effective, but those who prey on minors also tend to know that these orders end with the minor's eighteenth birthday. Once the order is no longer effective, the predator may try to resume their sexual pursuit.

Temporary Restraining Orders, Protective Orders, and Temporary Restraining Orders for Harassment are an important means of protecting victims of crime—both minors and adults—and it simply does not make sense to require that a minor suddenly lose this protection upon achieving adulthood. HB 1237, H.D. 1, would eliminate any uncertainty for courts facing this type of situation, by ensuring that minors who qualify for legal protection may have these orders extend for as long as needed, just as it is for adults.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of H.B. 1237, H.D. 1. Thank you for the opportunity to testify on this matter.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Carole Gruskin, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Friends of the Children's Justice Center of Maui

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm Reduction Center

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG - Kona Big Island

Planned Parenthood of the Great Northwest and

Hawaiian Islands

Residential Youth Services & Empowerment (RYSE)

Salvation Army Family Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

March 12, 2021

To: Senator Joy San Buenaventura, Chair,
And members of the Committee on Human Services

Testimony in Support of HB 1237 HD 1 Relating to the Judiciary

Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports HB 1237 HD 1 Relating to the Judiciary.

Currently, restraining orders, protective orders and injunctions protecting minors expire on the individual's 18th birthday no matter what the time period is between the issuance of the order and the time the minor reaches legal adulthood.

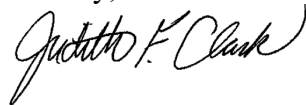
For example, a restraining order issued a week before the minor's 18th birthday would be in effect for only one week. Then the individual must go through the entire process of seeking a restraining order all over again.

Inevitably, there is a period of time when the person in need does not have this legal protection in place and is more vulnerable to harm. The process of seeking a restraining order, protective order or injunction can be difficult and traumatic for these young people. It also creates additional workload for an overloaded judicial system.

Allowing restraining orders, protective orders and injunctions issued for minors to extend beyond their 18th birthday will increase safety, reduce trauma, and increase efficiency of the judicial system.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

Testimony Presented Before the
Committee Human Services & Judiciary

HOUSE BILL NO. 1237
Tuesday, March 23, 2021, 3:10 PM
VIA VIDEOCONFERENCE

Chair San Buenaventura and Members of the Committee:

Thank you for the opportunity to testify on this bill. I support this bill to give courts the authority to issue temporary restraining orders, protective orders, and injunctions for reasonable time periods that expire after a protected minor reaches the majority's age. I respectfully urge the Committee members to pass HB 1237 unamended out of your Committee.

My name is Tiffany Keko'olani, and I am a current grad student at the University of Manoa School of Thompson Social Work and Public Health. My specialty is with children and family, and I work primarily with families involved with child welfare services. This bill will tremendously help children in foster care have the opportunity to extend a restraining order past their 18th birthday to provide extended protection from their abuser. Also, it would help create safety barriers for the minor while they transition into young adulthood. Requiring a minor who just turned eighteen years old to renew a restraining order could lead to retraumatization and also unnecessary costs of resources within the courts. Especially foster youth aging out may lack the necessary support needed to complete the process for renewal. The tedious renewal process may also lead the minor to not renew the restraining order at all, which may result in foreseeable abuse. Providing the opportunity to have a restraining order extended past a minor age of majority will allow the victim more time to focus on healing and planning for their future. Including the youth as mutual consent of the parties is highly valued as the youth should be given voice to advocate for a restraining order being extended for a period extending to date after reaching the age of majority.

I strongly request that this Committee pass this measure, mahalo.

Respectfully yours,
Tiffany Keko'olani