

**HB-2209**

Submitted on: 2/7/2022 6:48:38 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Mike Golojuch, Sr.	Individual	Support	No

Comments:

I support HB2209.

**HB-2209**

Submitted on: 2/9/2022 12:51:57 AM

Testimony for HHH on 2/10/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ilima DeCosta	Individual	Oppose	No

Comments:

As an advocate for women and their children who are fleeing/recovering from domestic violence, I am concerned that HB 2209 would be used as a potential weapon against any of these women who may file a complaint about a service provider. (Yes, retaliation by non profits does happen).

If a TRO is necessary, a parent should be involved and not left out of the process.

The state acting to intervene, and creating a law to allow vendor non profits to provide legal representation for minors without parental consent, is a total breach of the family unit.

Instead of trying to undermine or circumvent parental rights, the state would be wiser to provide parents with more support to heal and become self sufficient.

Please, don't just that say you support 'ohana, demonstrate that you support 'ohana with your actions: defer on HB 2209 and work on ways to keep local families whole. Mahalo



To: Chair Ryan Yamane  
Vice Chair Adrian Tam  
Members of the Committee  
FR: Nanci Kreidman, M.A.  
Chief Executive Officer  
RE: H.B. 2209

Aloha, and thank you for hearing this Bill.

It is imperative to bring into the community discourse the need for children to receive protection through restraining orders and protection orders issued for their non-offending protective mother.

There are a variety of things going on in our family courts that impact children:

1. Survivors are pressured into agreeing to protective orders, in order for perpetrators to avoid the court making a finding of abuse – the agreement is in exchange for the absence of a finding. Part of this “negotiation” includes an agreement that children are removed from the order, allowing visitation (unsupervised visitation) – this saves the survivor from the terror and anguish of going to trial, or facing a continuance (that means another trip to court, more child care, more time off from work, another encounter with their abuser. Survivors are inclined to “agree” to get the protective order and not have to face the consuming panic they face.
2. Abusers ask the Judge to remove the children from the Order. Survivors are asked, by the Judge, if the children are hurt by the abuse, and when their partner does not actually assault the child, the survivor affirms a lack of harm. The literature and the voices of adult survivors in households where there was abuse challenge that assertion.
3. It is important for judges to understand that when children are removed from the protective order, the threat of continuing abuse, intimidation, and terror is

**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](http://WWW.DOMESTICVIOLENCEACTIONCENTER.ORG)

EMAIL: [DVAC@STOPTHEVIOLENCE.ORG](mailto:DVAC@STOPTHEVIOLENCE.ORG)



real when the exchange of the children takes place. This is often described by survivors who work with DVAC long term advocates and staff attorneys, and often described.

This Bill permits the judge to understand that living in a household where harm and abuse is perpetrated have impacts – lifelong impacts on children. They deserve consideration and protection. This Bill does not require the survivor to “withhold” the children from contact with their father, because they are vindictive (as perceived by the abuser and by courts). This Bill helps the community understand that children are survivors of abuse, when they live in a household characterized by fear, torment, injuries, uncertainty about the safety of their non-offending mother, and their own safety.

It is much more important that children remain on orders where their non-offending mother files a petition, rather than permitting youth to file a petition. Children and youth are very unlikely to pursue that option. Language on lines 14-17 on page 1, can be deleted. Section 2, (3), page 2, lines 14-15 are the key elements of this Bill.

Thank you.

**HB-2209**

Submitted on: 2/9/2022 6:48:30 PM

Testimony for HHH on 2/10/2022 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair Yamane, Vice Chair Tam and members,

Strong support for this measure. Since victims of domestic violence are often reluctant to take legal action against their perpetrators for the very valid fear for their lives. And, since there are studies that suggest that those who witness such violence are as much or more traumatized by it, this seems a prudent step to take to address this horrible blight upon our society.

Mahalo,

Ann S. Freed

Life-time Feminist in Mililani



HAWAII STATE  
**COALITION AGAINST  
DOMESTIC VIOLENCE**

February 10, 2022

Members of the House Committee on House Committee on Health, Human Services, & Homelessness:

Chair Ryan I. Yamane  
Vice Chair Adrian K. Tam  
Rep. Cedric Asuega Gates  
Rep. Sharon E. Har  
Rep. Jeanne Kapela  
Rep. Scott Y. Nishimoto  
Rep. Gene Ward

Re: HB2209 Relating to Domestic Abuse

Aloha Chair Yamane, Vice Chair Tam, and Members of the House Committee on Health, Human Services, & Homelessness:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) advances the safety and healing of victims, survivors, and their families. We are the collective voice of a diverse network of organizations and individuals, working to eliminate all forms of domestic violence in Hawai'i by fostering partnership, increasing awareness of domestic violence, developing the capacity of our member programs and community partners to address the needs of survivors and their families, and advocating for social justice and change.

On behalf of HSCADV and our 25 member programs statewide, we support the intent of the bill and recognize the serious impact of domestic violence on minors who live in a household where abuse is occurring.

For clarity, Section 1 of this bill is recommended to be amended so that it reads as follows:

T  
he purpose of this Act is to clarify that minors who reside in the same household as the victim of domestic abuse will not be compelled by the court to demonstrate they are a victim of domestic abuse ~~have standing to file to be named a protected party in~~ a petition for an order of protection or a temporary restraining order.

Thank you for the opportunity to testify on this important matter.

Sincerely,

Angelina Mercado  
Executive Director, HSCADV