



COMMITTEE: Senate Committee on Judiciary
DATE: Monday, February 28, 2022
TIME: 10:30 a.m.
PLACE: Via Videoconference

TO: Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
And members of the Senate Committee on Judiciary

RE: SB 2396 SD1 Relating to Domestic Abuse

The Hawaii State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls. The Women's Caucus SUPPORTS SB 2396 SD1 Relating to Domestic Abuse.

The purpose of this bill is to clarify that minors who reside in the same household as the victim of domestic abuse can be included on the victim's petition for an order of protection or temporary restraining order.

Literature and the community discourse states that the impact of abuse on children varies based on the level of abuse and attachment to the protective parent. As such, children do not have to be "hit", or in the room or even in the house at the time of any assault or abusive behavior in order to feel abused. The bruises, fear, implied intimidation of the protective parent and other environmental factors have an effect on children. The proposed language to Chapter 586 HRS, Domestic Abuse Protective Orders, will help to protect and support children from the effects of being in an abusive situation.

We urge your favorable consideration of this measure.
Thank you for the opportunity to testify.

Members of Hawaii State Democratic Women's Caucus

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair
Judiciary Committee

SUPPORT FOR: SB2396 SD1 RELATING TO DOMESTIC ABUSE

Dear Chairman Karl Rhoads and the members of the Judiciary Committee:

My name is Jenna Saito, and I am a graduate student at the University of Hawaii at Manoa, majoring in social work. I am also an employee at Parents and Children Together (PACT) specifically working as an advocate at the domestic violence shelter.

I am testifying in favor of bill SB2396 SD1, relating to domestic abuse. This bill should be passed because children do not get to decide the environmental factors in which they are raised. They do not have the choice to determine their stimulation, community, caregivers and the people that surround them. Children may be subjected to trauma and violence at a young age and should not be punished for aspects of their life that they have no control over.

Children are not adults, they cannot make certain decisions for themselves such as choosing to not interact or live with their parents who have custody of them. Our government gives parents the responsibility to care for their child until the child is 18 years old. However, when there is domestic abuse present in the household, one can argue that this environment is no longer healthy for the child. These children witness abuse and this trauma can be very damaging for their overall well being and development. Children who are present in the midst of domestic violence are victims themselves, thus, they should be treated as such. They should be given resources and guidance to cope and recover from this trauma rather than being further reminded of the painful memories they were subjected to. Therefore, children should be protected and not required to prove they are victims of abuse. They should also be protected under any active restraining order.

I strongly support this bill because I have seen firsthand children who have witnessed domestic violence between their parents and how this has affected their emotions, mental health, and overall happiness. Many of the children who stay with their mothers at our domestic violence shelter are very traumatized which is displayed through their quiet behavior, frequent crying, disobedience, or anger. Their mothers often share that their children have not displayed these negative behaviors prior to the domestic violence occurrence and that their children have been negatively impacted by the distressing interactions between their parents that they have witnessed. Unfortunately, many mothers also disclose that the father of their child has also verbally, mentally, or physically abused their child as well. This shows how directly these children are affected by domestic abuse. Due to their children being hurt and impacted by the abuse, many of my clients have shared that their children are the primary reason for their desire to seek shelter. This evidence shows the vulnerability of these children and the need for safety and stability for these individuals.

Overall, this bill should be passed because children directly living in the household where domestic violence is present should not be required to demonstrate the abuse they were subjected to. We must protect these children and help them find shelter and an environment that is safe and secure. We must remember that these children are children which means that they are fragile and susceptible. Children should be given the opportunity to rise from trauma and have a positive outlook for the future. This bill should be passed to help these children recover from the hardships they have endured by allowing them time to lean on their loved ones for support while not being further implicated with court proceedings.



TO: Chair Rhoads, Vice Chair Keohokalole, and Members of the Senate Committee on Judiciary

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

DATE/LOCATION: February 28, 2022; 10:30 a.m., Video Conference

RE: TESTIMONY IN SUPPORT OF SB 2396 SD 1 – RELATING TO DOMESTIC ABUSE

We support SB 2396 which clarifies that a minor who resides in the same household as the victim of domestic abuse can be included on the victim's petition for an order of protection or temporary restraining order.

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 real when the exchange of the child(ren) takes place. Children, especially, deserve consideration and protection in cases of domestic abuse. We feel that **it is important that children remain on orders where their non-offending parent files a petition.** It is paramount that we ensure that a victim of domestic violence and their child(ren) can be protected from further violence through our current TRO process. This includes preventing further harm and intimidation to the victim/survivor and their children throughout the TRO process.

We would also encourage the support of family visitation centers as a critical component for the safety and support of the child and the adult victim/survivor of domestic violence as they navigate difficult and dangerous transitions that often arise from contentious court cases between adult caregivers dealing with issues of domestic violence. The end of a relationship in a domestic violence situation can further escalate the offender's emotional, physical, and psychological abuse and can result in stalking, continuous threats, harassment, and even violence with a result of death. Family Visitation Centers provide safe environments wherein children are provided supervised visitation by trained monitors. Family visitation centers and supervised visits decrease the incidents of further harm to the child(ren) and victim/survivors of domestic violence in that they ensure that the dynamics of domestic violence and power and control behaviors are not played out in the visits between the offender/parent who has harmed and the child(ren). Additionally, visitation centers and supervised visits also mitigate the incidents of violence toward the victim of domestic violence which can often occur between separated partners by

providing supervised opportunities for unsafe parents to have contact and foster relationships with their children.

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 17,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 20 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, poverty prevention and community building programs.

Thank you for the opportunity to testify regarding **SB 2396 SD1**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.



HAWAI'I STATE
**COALITION AGAINST
DOMESTIC VIOLENCE**

February 28, 2022

Members of the Senate Committee on Judiciary:

Chair Karl Rhoads
Vice Chair Jarrett Keohokalole
Sen. Laura Acasio
Sen. Kurt Fevella
Sen. Mike Gabbard
Sen. Donna Mercado Kim
Sen. Chris Lee

Re: SB2396 SD1 Relating to Domestic Abuse

Dear Chair Rhoads, Vice Chair Keohokalole, and Members of the Senate Committee on Judiciary:

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 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 26 member programs statewide, we support this bill and recognize the serious impact of domestic violence on minors who live in a household where abuse is occurring.

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

Sincerely,

Angelina Mercado, Executive Director

LATE

SB-2396-SD-1

Submitted on: 2/27/2022 11:35:34 PM

Testimony for JDC on 2/28/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lea Minton	Individual	Support	No

Comments:

I support SB2396SD1. Thank you.

LATE

Chair Brian Taniguchi
Senate Committee on Judiciary

Drake Miyake
UH Manoa Social Work Graduate Student
(808)308-9994

Monday 02/28/2022

Support for SB2396 SD1

Hello, my name is Drake Miyake and I'm a graduate student at UH Manoa and I'm representing myself. I am testifying in favor of SB 2396 SD1 for the protection of minors in households with domestic violence.

The effects of domestic violence extend to everyone within the family. The danger of a domestically violent offender is one of the reasons they stay in the relationship. My experience as a case manager working with families with domestic violence, I've seen the difficulty of these relationships to be easily resolved. The unhealthy relationship dynamics results in a damaged modeling of the relationship or neglect of the child. The safety of the child is important to not be hurt or used as leverage to hurt their partner. If problems persist in the home, they are unlikely to be fixed through outside intervention by a teacher or counselor.

We have an opportunity to prevent the damage of domestic violence in households to affect children. I am in support of SB 2396 SD1

Thank you for this opportunity to testify

Sincerely,
Drake Miyake