



To: Chair San Buenaventura  
Vice Chair Ihara  
Members of the Committee  
FR: Nanci Kreidman, M.A.  
Chief Executive Officer  
RE: S.B. 2396

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

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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.

**LATE**

**SB-2396**

Submitted on: 2/15/2022 1:01:02 AM

Testimony for HMS on 2/15/2022 3:10:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
PPC member name goes here	Testifying for AAUW of Hawaii	Support	No

Comments:

Aloha Chair San Buenaventura, Vice Chair Ihara and members,

Members of AAUW of Hawaii thank you for this opportunity to testify in strong support of SB2396 which specifies that any minor who resides in the same household as the victim of domestic abuse may file a petition for an order of protection or temporary restraining order.

The collective wisdom of our allies among Domestic Violence advocates have found that the life-altering experience of living in a home where there is violence does permanent damage to everyone in the family. Children, who are collateral damage in this most personal warfare, must have their safety, mental health and full potential for personal development protected. And...they should have the right to find protection for themselves when the adults they live with are unwilling or unable.

There is no room for pretense that children don't know or feel what is going on. Fear, tension and uncertainty are destabilizing for children. Supporting children as they are growing is important for laying a strong foundation for their future. The alternative is more costly and traumatizing.

Me ke aloha pumehana,

Ann S. Freed

Public Policy Committee, AAUW of Hawaii

publicpolicy-hi@aauw.net

*The American Association of University Women (AAUW) of Hawaii is an all volunteer, statewide chapter of a national organization and is made up of six branches: Hilo, Honolulu, Kaua'i, Kona, Maui, and Windward Oahu. UH Hilo, UH Manoa, UH Maui College, and Windward Community College are also AAUW partners. AAUW's mission is to advance gender equity for equal opportunities in education, at workplace and for economic security, and in leadership.*





HAWAI'I STATE  
COALITION AGAINST  
DOMESTIC VIOLENCE

February 15, 2022

Members of the Senate Committee on Human Services:

Chair Joy A. San Buenaventura  
Vice Chair Les Ihara Jr.  
Sen. Laura Acasio  
Sen. Kurt Fevella  
Sen. Bennette E. Misalucha

Re: SB22396 Relating to Domestic Abuse

Dear Chair Buenaventura, Vice Chair Ihara, and Members of the Senate Committee on Human Services:

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 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:

The 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



**TO: Chair San Buenaventura, Vice Chair Ihara, and Members of the Senate Committee on Human Services**

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

**DATE/LOCATION: February 15, 2022; 3:10 p.m., Conference Room 225/Video Conference**

**RE: COMMENTS REGARDING SB 2396 – RELATING TO DOMESTIC ABUSE**

**We would like to provide comments regarding SB 2396 which specifies that any minor who resides in the same household as the victim of domestic abuse may file a 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 have concerns about allowing children to file a petition or TRO but feel that **it is important that children remain on orders where their non-offending parent files a petition.** We believe that allowing a child to file a petition or TRO may place them in a position where they are themselves in danger. The impact to the minor could result in physical violence, emotional abuse, neglect, and/or the child being forced to leave the house by a parent. Rather than having the child file a petition or TRO, **it is paramount that we ensure that a victim of domestic violence and their children 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**, please contact me at (808) 847-3285 or [rkusumoto@pacthawaii.org](mailto:rkusumoto@pacthawaii.org) if you have any questions.

**SB-2396**

Submitted on: 2/14/2022 10:05:38 AM

Testimony for HMS on 2/15/2022 3:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kau'i Baumhofer Merritt	Individual	Support	No

Comments:

Aloha. My name is Nicole Kau'i Merritt. I am a resident of Halawa Heights and also have a doctorate in epidemiology with specific expertise in Native Hawaiian health disparities. My cousin was a long time victim of domestic violence and died by suicide in April 2021. My mother and I suspected something had been wrong for years and once my cousin finally reached out for help in June 2020 she initially refused help from either family members or community agencies specializing in domestic violence because she feared having to leave her children behind. She was convinced that she would have to leave one or both of her twins with their father in order to escape him. Ultimately, when she died by hanging in April 2021 that is exactly what happened. During the summer of 2021 my family and I continually documented and reported the abusive conditions that the children (11 years old at the time) were forced to live under as they remained with their abusive father. Finally, in August 2021 the children admitted suicidal thoughts to several family members. Child Welfare was notified and the children were immediately pulled from their father's custody and placed in a foster home for 60 days until being returned to their abuser in October 2021. Since their return to their father no one in the maternal family knows where the children are, nor have any of us had any contact with them. If my cousin had the assurance that her children would be included on her protective order perhaps she would have sought help earlier and her death could have been avoided. This case is another example of a Native Hawaiian family permanently separated by death and abuse because the mother was afraid of being separated from her children during life. Please add your support to SB2395 and protect women and children like my cousins.



**SB-2396**

Submitted on: 2/14/2022 11:25:46 AM

Testimony for HMS on 2/15/2022 3:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

Stand in Support.

**SB-2396**

Submitted on: 2/14/2022 1:59:54 PM

Testimony for HMS on 2/15/2022 3:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Mara Garcia	Individual	Support	No

Comments:

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