



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Tuesday, April 1, 2025, 2:00 PM
State Capitol, Conference Room 325

by

Dyan M. Medeiros

Senior Judge, Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Resolution No.: House Concurrent Resolution No. 55

Purpose: Requesting the Judiciary to Conduct a Study Analyzing How Effective Existing Laws on Domestic Violence Temporary Restraining Orders and Harassment by Stalking are in Preventing Continued Abuse and Harassment.

Judiciary's Position:

The Judiciary understands the intent of this resolution, but must respectfully oppose House Concurrent Resolution No. 55.

The Judiciary agrees that the laws intended to address domestic violence should be effective and should ensure that survivors are protected. The Judiciary, however, is not the appropriate entity to conduct the type of analysis and study proposed by House Concurrent Resolution No. 55. For example, the Judiciary has no ability to locate or have discussions with survivors who have sought protective orders. It would also be inappropriate for the Judiciary to have contact with survivors who have cases currently pending in the courts. In addition, the scope of the requested study is too broad for the Judiciary to be able to conduct.

The Judiciary is not sure how “effective” is defined for purposes of this measure and is also concerned about whether the study would, in fact, determine whether existing laws are “effective.” For example, when a temporary restraining order (or an order for protection) is violated, a criminal case may (or may not) be filed for the violation of that order. If a criminal



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House Committee on Judiciary & Hawaiian Affairs
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case is filed, that would not necessarily indicate that the law is effective since a criminal case could be filed and further violations could occur. If no case is filed, does that mean the laws are effective or ineffective? These questions do not even address violations that are not reported or not charged. Information about unreported violations would only be available from survivors and, as noted above, the Judiciary does not have access to survivors.

Thank you for the opportunity to testify on House Concurrent Resolution No. 55.

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

March 31, 2025

**RE: H.R. 51; JUDICIARY STUDY ON EFFECTIVENESS OF DOMESTIC VIOLENCE
RESTRAINING ORDERS AND HARASSMENT BY STALKING LAWS**

Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu offers the following comment on HR 51.

The Department supports the intent to obtain objective measurable data that examines the effectiveness of the laws related to restraining orders and stalking. At the same time, we remain mindful that judicial impartiality is essential to achieving fair and just outcomes.

We recommend that the Judiciary provide the Legislature with specific data related to the outcomes of domestic violence cases. This may include:

- (1) The number of temporary restraining orders sought and granted by the Family Court;
- (2) The number of temporary restraining orders dissolved or otherwise disposed without the grant of a protective order;
- (3) The median and average length of the protective-order term;
- (4) The number of contested protective-order hearings;
- (5) The number of protective orders dissolved prior to the expiration of the original protective-order term.

The district, family, and circuit courts may also have responsive data regarding:

- (1) The number of criminal cases alleging the violation of a protective order, violation of a temporary restraining order, harassment by stalking, or aggravated harassment by stalking;
- (2) The disposition of the cases by conviction, acquittal, or dismissal;
- (3) The number of jury trials conducted on these charges;

- (4) The median and average sentence imposed in cases resulting in a conviction;
- (5) The reasons identified for dismissal, including unavailable witnesses and the speedy trial rule under Hawai'i Rules of Penal Procedure Rule 48.

We believe the results from such a study would assist all stakeholders in crafting better responses to domestic violence and stalking cases.

Law enforcement agencies may have additional relevant information, especially regarding uncharged cases and repeat offenders.

Thank you for the opportunity to testify.

HR-51

Submitted on: 3/31/2025 1:31:23 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Llasmin Chaine	Hawaii State Commission on the Status of Women	Support	Written Testimony Only

Comments:

I stand in support of the intent of HCR55/HR51, as the bulk of domestic violence and stalking survivors are female and the state would benefit from analysis as to the efficacy of our current protections and recommendations for improvements.

I defer to the Judiciary and the Hawaii State Coalition Against Domestic Violence as to the implementation specifics of these resolutions. If it is the intent of this Committee to pass these resolutions and assistance from the Hawaii State Commission on the Status of Women is sought, I would be happy to lend my assistance towards increased protections for survivors and improvements to public safety.



April 1, 2025

Members of the House Committee on Judiciary & Hawaiian Affairs:

Chair David A. Tarnas

Rep. Amy A. Perruso

Vice Chair Mahina Poepoe

Rep. Gregg Takayama

Rep. Della Au Belatti

Rep. Chris Todd

Rep. Elle Cochran

Rep. Diamond Garcia

Rep. Mark J. Hashem

Rep. Garner M. Shimizu

Rep. Kirstin Kahaloa

Re: HR51/HCR55 Relating to Judiciary; Study; Effectiveness; TRO Laws; Harassment by Stalking Laws

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 25 member programs statewide, I respectfully submit testimony in support of HR51/HCR55 and respectfully offer the following amendments (detailed Appendix 1) :

1. Request the Judiciary convene a working group consisting of the following members or their designee:

- a. each county's law enforcement agency;
- b. each county's prosecuting attorney;
- c. the Executive Director of the Hawai'i State Commission on the Status of Women;
- d. the Executive Director of the Hawai'i State Coalition Against Domestic Violence;
- e. a nonprofit organization serving victims of domestic violence and stalking; and
- f. a victim of domestic violence and/or stalking from each county.

2. Include Protective Orders in Addition to Temporary Restraining Orders (TROs):

We recommend expanding the scope of orders to include protective orders in addition to Temporary Restraining Orders (TROs). Currently, obtaining a domestic abuse order of protection begins with a TRO, an ex-parte process. Within 15 days, both parties appear before a judge, who may then issue a protective order lasting 1-3 years. The inclusion of protective orders will strengthen the analysis.

3. Extend the reporting date to 2026:

We propose extending the reporting date to 2026. Domestic violence cases are complex, and evaluating the effectiveness of systemic responses to orders of protection requires clearly defined parameters. Inadequate time, personnel, and financial resources can hinder the study's quality.

4. Including Neighbor Islands and Victim Voices:

In the past 26 years, two studies have been conducted on the criminal justice response to domestic violence: a 1999 study by the Attorney General's office following HCR 65, HD1, 1 and a 2017 audit by the City Auditor assessing domestic violence case handling in Honolulu, prompted by City Council Resolution 16-1, CD1. 2 Both studies focused solely on O'ahu and lacked meaningful victim engagement.

We recommend updating the findings from these studies and incorporating input from the neighbor islands and domestic violence victims.

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

Sincerely,
Angelina Mercado, Executive Director

¹ https://ag.hawaii.gov/cpia/files/2013/01/DVWG-Report-12_19991.pdf

² https://www.honolulu.gov/rep/site/oca/oca_docs/DV_Final_Report_060817.pdf

HOUSE OF REPRESENTATIVES
THIRTY-THIRD LEGISLATURE, 2025
STATE OF HAWAII

H.R. NO. 51

HOUSE RESOLUTION

REQUESTING THE JUDICIARY TO CONVENE ~~CONDUCT~~ A WORKING GROUP TO
STUDY ~~ANALYZING~~ HOW EFFECTIVE EXISTING LAWS ON DOMESTIC
VIOLENCE TEMPORARY RESTRAINING ORDERS, PROTECTIVE ORDERS,
AND HARASSMENT BY STALKING ARE IN PREVENTING CONTINUED ABUSE
AND HARASSMENT.

WHEREAS, domestic violence and stalking continue to be
pervasive and serious public safety concerns affecting
individuals and families throughout the State; and

WHEREAS, temporary restraining orders (TROs) and protective
orders (POs) serve as a
critical legal tool by providing immediate protection for
victims of domestic violence and harassment by stalking; and

WHEREAS, concerns have been raised regarding the
effectiveness of the laws on domestic violence temporary
restraining orders, protective orders, and harassment by stalking
in ~~preventing~~improving
~~continued abuse and harassment~~victim safety; and

WHEREAS, it is essential to evaluate ~~whether these laws are~~
~~adequately protecting victims,~~ whether enforcement mechanisms
are sufficient, and whether additional legislative measures,
including funding, may
be necessary to enhance their effectiveness; and

WHEREAS, a ~~comprehensive~~ study conducted by the Judiciary
~~would provide valuable data and insights into the strengths and~~
~~weaknesses of these legal protections, including~~ the rate of
compliance, enforcement challenges, and victim outcomes; and

WHEREAS, such a study should consider feedback from key
stakeholders, including each county's law enforcement agencies,
each county's prosecuting attorney, victim
advocacy organizations, the legal community, and individuals
impacted by domestic violence and stalking; and

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H.R. NO. 51

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BE IT RESOLVED by the House of Representatives of the
Thirty-third Legislature of the State of Hawaii, Regular Session
of 2025, that the Judiciary is requested to convene a working group
~~conduct a study to study~~
~~analyzing~~ how effective the existing laws on domestic violence
temporary restraining orders, protective orders, and harassment
by stalking are in
~~preventing continued abuse and harassment~~ improving victim safety;
and

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33 (12) A victim of domestic violence and/or stalking from each
34 county to be invited by the Judiciary.

35 BE IT FURTHER RESOLVED that the study is requested to
 10 include an analysis of the issuance and, ~~enforcement, and impact~~
 of
 11 temporary restraining orders, protective orders, and the judicial
response and law enforcement responses to violations of temporary
restraining orders and protective orders, as well as an
 examination of the
 12 prosecution and adjudication of harassment by stalking cases;
 13 and
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15 BE IT FURTHER RESOLVED that the study is requested to
 16 incorporate data from law enforcement agencies, victim services
 17 providers, legal practitioners, and individuals who have sought
 18 protective orders; and
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20 BE IT FURTHER RESOLVED that:

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2036 (1) T~~he~~ Judiciary is requested to
2137 submit a report of its findings and recommendations, including
2238 any proposed legislation, to the Legislature no later than
2339 twenty days prior to the convening of the Regular Session of
40 2027~~6~~; and

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41 (2) The working group shall be dissolved on December 31, 2026.

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26 BE IT FURTHER RESOLVED that certified copies of this
 27 Resolution be transmitted to the Chief Justice, Administrative
~~28~~ Director of the Courts, and Attorney General, ~~and Executive~~
 Director
2928 of the Hawaii State Coalition Against Domestic Violence.

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OFFERED BY:



MAR 05 2025

HR-51

Submitted on: 3/31/2025 1:07:05 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Good Afternoon and thank you for this opportunity to provide **STRONG SUPPORT for HCR55.**

As a Domestic Violence Survivor Advocate, I cannot stress enough the importance and necessity of implementing this legislation - as was previously proposed in 2010 - to clarify the specific "operating difficulties" being experienced in domestic violence family court-related cases.

One of the criticisms I consistently face is that of "allegorical accounts" instead of "real facts and figures" when trying to describe and exemplify the myriad of complexities and complications experienced by abuse survivors in the family court system post-separation - the primary obstacle in obtaining the "real facts and figures" being confidentiality so a study would be the most expedient way to get what you truly need to see.

I maintain that Hawaii has one of the best, if not THE best, statutes in the nation to protect victim-survivors of domestic violence and their children from future and ongoing harm BUT when these safeguards, protections and measures fail to be applied and upheld, we end up with the mess we have but please, don't take my word for it - investigate, study and audit for yourselves and I am at your service if ever you need my assistance.

Most respectfully,

Dara Carlin, M.A.

HR-51

Submitted on: 3/31/2025 5:43:58 PM

Testimony for JHA on 4/1/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kalae	Individual	Support	Written Testimony Only

Comments:

Domestic violence and stalking are serious issues that affect many individuals and families in our state. TROs are vital tools for victim protection, but concerns about their effectiveness in preventing continued abuse remain.

A thorough study by the Judiciary will provide essential data on how well these laws are working, the challenges in enforcement, and their impact on victims. By gathering feedback from law enforcement, victim services, legal professionals, and those affected, the study can identify areas for improvement and inform future legislative changes to better protect victims.

Thank you for hearing HCR55/HR51

April 1, 2025

TO: The Members of the House Committee on Judiciary & Hawaiian Affairs

FROM: Brookelyn Freeman
Private Citizen

SUBJECT: Support for HCR55 / HR51 – Requesting a Study on the Effectiveness of DV TRO and Harassment Laws

Hearing: Tuesday, April 1st, 2025 at 2:00pm

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

My name is Brookelyn Freeman, and I'm a graduate student at the University of Hawai'i at Mānoa. I'm submitting this testimony as a private citizen in **strong support of HCR55 / HR51** because survivors of domestic violence and stalking deserve stronger legal protection.

I think it's **incredibly important** that we take time to evaluate how well our current laws are working. Temporary restraining orders are meant to create a sense of safety, but that's not always the outcome in practice. In fact, research shows that nearly **40% of protective orders are violated**, which points to **serious gaps in enforcement and follow through**.

I've seen firsthand how hard it can be for survivors to feel truly protected. Even with a TRO in place, there's no guarantee it will be respected or enforced, and that uncertainty can leave survivors feeling vulnerable at a time when they need stability the most.

This resolution is a chance to take a closer look at how these laws are actually functioning and to identify what needs to change. I think it's **a meaningful and necessary step** toward building a system that actually works for those it's meant to protect.

Thank you for the opportunity to testify, and for your time and consideration.

Brookelyn Freeman
Graduate Student, Social Work
UH Mānoa (Testifying as a Private Citizen)