



The Judiciary, State of Hawai'i

Testimony to the Thirty-Third State Legislature, 2025 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Thursday, February 20, 2025 at 2:00 p.m.
Hawai'i State Capitol, Conference Room 325

by

Dyan M. Medeiros

Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1283, H.D. 1, Relating to Family.

Purpose: Establishes an exemption from mediation in paternity proceedings where there are allegations of domestic abuse. Clarifies the exemption from mediation in divorce proceedings as it relates to domestic abuse.

Judiciary's Position:

The Judiciary supports House Bill No. 1283, H.D. 1.

The Family Courts of Hawai'i have championed mediation in many of the case types under our jurisdiction, including divorce and paternity cases. We have decades of experience that support our continued policy to order mediation as an alternative to continued litigation. We have witnessed countless cases where parties, including parties who have alleged domestic abuse, have reached positive results through mediation and managed to avoid or minimize the harmful effects of conflict and litigation on children and families. In cases with domestic abuse allegations, safety concerns have prompted the application of different physical protections and legal process protections such as the judges' consideration of the allegations before accepting the mediation agreement.



House Bill No. 1283, H.D. 1, Relating to Family
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Recognizing the possible advantages of mediation, House Bill No. 1283, H.D. 1 balances the autonomy of a party to exercise mediation opportunities in paternity cases and applies to these cases the many protections afforded to parties in divorce cases that involve allegations of domestic abuse.

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



February 20, 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: HB1283 HD1 Relating to Family

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 **strong support of HB1283 HD1**. This bill would enable a survivor of domestic violence engaged in a contested custody proceeding with their abusive partner the option to engage in mediation instead of court litigation.

Survivors should not be required to face an abusive partner during paternity proceedings unless they have made an informed decision where they can prepare themselves physically, mentally, and emotionally. Paternity proceedings may be a way for a survivor of domestic violence to cut ties with their abusive partner. There should not be a way for an abuser to inflict additional harm or hurt.

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

Sincerely,

Angelina Mercado, Executive Director



HCANSpeaks!

Hawai'i Children's Action Network

Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: House Committee on Judiciary and Hawaiian Affairs

Re: HB 1283 HD 1 Relating to family

Hawai'i State Capitol, Conference Room 016 & Via Videoconference

February 20, 2025, 2:00PM

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members,

On behalf of HCANSpeaks!, I am writing in strong support of HB 1283 HD 1, relating to family. This bill would give survivors of domestic violence involved in contested custody cases with their abuser the choice to pursue mediation rather than going through a court battle.

Survivors should not be forced to confront their abuser during paternity proceedings unless they have made a fully informed decision and have had the opportunity to prepare themselves emotionally, mentally, and physically. For some survivors, paternity proceedings can be a path to severing ties with their abuser, not a tool for further harm or control.

Mahalo for the opportunity to submit testimony in **support of HB 1283 HD 1.**

Sincerely,

Noreen Kohl, Ph.D.

Policy Researcher and Advocate

HB-1283-HD-1

Submitted on: 2/18/2025 6:05:04 PM

Testimony for JHA on 2/20/2025 2:00:00 PM

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

Comments:

Exemption from mediation in paternity proceedings where there are allegations of domestic abuse has been a long-recognized and long-established **best practice standard** in domestic violence cases so HB1283 should be supported and implemented. Thank you.

HB1283 – Written Testimony

Hearing Date: 2/20/2025

Committee: JUDICIARY & HAWAIIAN AFFAIRS

Dear Chair David A. Tarnas, Vice Chair Mahina Poepoe and Members of the Committee:

My name is Kaily, and I am a social work professional, offering mental health care at a behavioral health clinic in Hawai'i, with the purpose of serving medically underserved populations on O'ahu. I provide mental health interventions for children and adults, including those who have experienced domestic abuse. I write in **strong support** of HB1283 HD1, which would ensure that survivors of domestic abuse are not forced into mediation in paternity or divorce proceedings.

As a social worker, I have worked closely with clients who have experienced intimate partner violence. Throughout my career, I have heard survivors describe the legal process as retraumatizing, particularly when they are required to engage with their abuser. While legal mediation presumably offers a level playing field, in the cases of domestic abuse, there are acute power imbalances that can expose survivors of domestic abuse to further harm.

This bill is important because it:

- **Offers protections to survivors** by ensuring they are not coerced to participate in mediation against their will.
- **Requires screening for domestic abuse** by mediators to prevent further harm.
- **Allows survivors to have a support person present** if they choose to mediate, which can provide emotional and legal protection.
- **Ensures alignment with best practices in trauma-informed care**, offering survivors accommodations that prioritize their safety

For many of the survivors I have worked with, leaving an abusive relationship is one of the most challenging steps they take. Ensuring they are not forced into mediation with their abuser is a necessary step toward preventing further coercion and harm. This bill reflects a commitment to protecting survivors and upholding justice within Hawai'i's family court system.

I am in favor of the passage of HB1283 HD1 to ensure that survivors of domestic abuse have the legal protections they need to navigate the court system safely.

Thank you for the opportunity to submit written testimony. Your time and consideration is appreciated.

Sincerely,

Kaily Bigley

kailybigley1@gmail.com