



The Judiciary, State of Hawai'i

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

Senate Committee on Health and Human Services

Senator Joy A. San Buenaventura, Chair

Senator Henry J.C. Aquino, Vice Chair

Monday, February 3, 2025 at 1:00 p.m.

Hawai'i State Capitol, Conference Room 225

by

Dyan M. Medeiros

Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 1520, 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 Senate Bill No. 1520.

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



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the mediation agreement.

Recognizing the possible advantages of mediation, SB1520 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.

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**THE HONORABLE JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

February 2, 2025

RE: S.B. 1520; RELATING TO FAMILY.

Chair San Buenaventura, Vice-Chair Aquino, and members of the Senate Committee on Health and Human Services, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in support of S.B. 1520.

S.B. 1520 allows victims of domestic abuse to decline court-ordered mediation in contested paternity proceedings. It requires mediators to screen for the occurrence of domestic abuse between the parties. And it requires consent from the victim before a court may order mediation during the pendency of a temporary restraining order or protective order.

The United Nations Office on Drugs and Crime estimates that more than 50,000 women and girls worldwide were killed by an intimate partner or other family member in 2023.¹ In nearly half the mass shootings nationwide between 2015 and 2022, the perpetrator shot a current or former intimate partner or family member.² The biggest risk factor for intimate partner homicide is prior domestic abuse.³

¹ UNITED NATIONS OFFICE ON DRUGS AND CRIME, *Femicides in 2023*, at p. 13 (2024), available at <https://www.unwomen.org/sites/default/files/2024-11/femicides-in-2023-global-estimates-of-intimate-partner-family-member-femicides-en.pdf>.

² EVERYTOWN FOR GUN SAFETY SUPPORT FUND, *Mass Shootings in the United States* (Mar. 2023) ("Although many people think of mass shootings as random and public acts of violence, this analysis shows that most mass shootings are not at all random. In at least 46 percent of mass shootings with four or more people killed, the perpetrator shot a current or former intimate partner or family member."), available at <https://everytownresearch.org/mass-shootings-in-america/>

³ Jacquelyn C. Campbell et al., *Intimate Partner Homicide: Review and Implications of Research and Policy*, 8 TRAUMA, VIOLENCE, & ABUSE 246-69 (2007); Nancy Glass et al., *Non-fatal Strangulation Is an Important Risk Factor for Homicide of Women*, 35 J. EMERG. MED. 329-35 (2007).

The most dangerous moment for victims of domestic violence is when they decide to leave the abuse.⁴ Restraining orders can be a life-saving measure: one study found the vast majority of women killed in intimate partner homicides did not have a restraining order in effect when they were killed.⁵ But protections still need to be stronger. Compulsory mediation reinforces the message that the victim can never leave the abuser. Forced proximity with the abuser may also facilitate witness-tampering, undermining effective policing and prosecution.⁶

Mediation can settle difficulty breaches in the family. But domestic abuse presents a special case where courts should proceed with alert caution. Leaving an abusive partner takes incredible courage. Judicial procedures should restore autonomy, security, and hope to victims.

Thank you for the opportunity to testify.

⁴ Melana Ryzik & Katie Benner, *What Defines Domestic Abuse? Survivors Say It's More Than Assault*, N.Y. TIMES (online), Jan. 22, 2021, available at <https://www.nytimes.com/2021/01/22/us/cori-bush-fka-twigs-coercive-control.html> (“The most dangerous moment for victims of domestic violence, experts say, is when they decide to end their relationship; on average, it takes seven attempts to leave an abuser, according to the National Domestic Violence Hotline.”).

⁵ K.A. Vittes & S.B. Sorenson, *Restraining Orders Among Victims of Intimate Partner Homicide*, 14 INJ. PREV. 191-5 (2008).

⁶ See generally Megan Cantwell, *Witness Intimidation by Extended Family Members in Domestic Violence: Issues and Solutions*. UCLA: CENTER FOR THE STUDY OF WOMEN (2010), available at <https://escholarship.org/uc/item/2mz7t3mf>; Tom Lininger, *The Sound of Silence: Holding Batterers Accountable for Silencing Their Victims*, 87 TEX. L. REV. 857 (2009).



LATE

February 3, 2025

Members of the Senate Committee on Health and Human Services:

Chair Joy A. San Buenaventura
Vice Chair Henry J.C. Aquino
Sen. Troy N. Hashimoto
Sen. Jarrett Keohokalole
Sen. Kurt Fevella

Re: SB1520 Relating to Family

Dear Chair San Buenaventura, Vice Chair Aquino, and Members of the Senate Committee on Health and Human Services:

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 this measure.

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. They 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

SB-1520

Submitted on: 1/31/2025 4:22:13 PM

Testimony for HHS on 2/3/2025 1:00:00 PM

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

Comments:

Stand in strong support.