



*The Judiciary, State of Hawai'i*

Testimony to the Thirty-Second State Legislature, 2023 Regular Session

**House Committee on Human Services**  
Representative John M. Mizuno, Chair  
Representative Terez Amato, Vice Chair

Tuesday, February 14, 2023 at 9:30 a.m.  
State Capitol, Conference Room 329 & Videoconference

By:  
Matthew J. Viola  
Senior Judge, Deputy Chief Judge  
Family Court of the First Circuit

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 1344, Relating to Anger Management.

**Purpose:** Authorizes certain criminal offenders to undergo anger management counseling in lieu of domestic violence intervention as part of their sentences.

**Judiciary's Position:**

The Judiciary takes no position on House Bill No. 1344, but respectfully offers the following comments.

All defendants convicted of a Violation of an Order of Protection/Temporary Restraining Order (H.R.S. § 586-11) and/or Abuse of Family or Household Member (H.R.S. § 709-906) are statutorily mandated to complete a domestic violence intervention program ("DVI"). The language of this bill appears to hold fast to that mandate while allowing a third party service provider to change the mandate.

It may provide more clarity if this amendment first mandates an assessment and then allows the appropriate treatment program accordingly. It appears that the legislative intent is to require either the broader DVI program or, as appropriate, a more focused anger management program.



Therefore, we respectfully suggest the following amendments to the bill.

For page 1, Section 586-4(e), from line 6; and page 5, Section 586-11(a), from line 11, rather than the bill's new language, the court suggests this change.

A person convicted under this section shall be ordered by the court for an assessment [~~undergo domestic violence intervention~~] at any available domestic violence program and shall complete a domestic violence intervention course or anger management counseling as determined by the domestic violence program. [~~as ordered by the court.~~]

Without the Ramseyer format, this suggestion would read:

A person convicted under this section shall be ordered by the court for an assessment at any available domestic violence program and shall complete a domestic violence intervention course or anger management counseling as determined by the domestic violence program.

As an allowance is now being made to allow an anger management counseling if an assessment so determines, H.R.S. 586-13 may need to be amended to recognize this alternative treatment. We respectfully suggest additional language to be inserted at page 9, after line 8:

SECTION 3. Section 586-13, Hawaii Revised Statutes, is amended to read as follows:  
[§586-13] Domestic violence intervention. Notwithstanding chapter 706 or any other law to the contrary, any sentence for domestic violence intervention or anger management counseling specified by section 586-4 or section 586-11 shall be imposed by the court, with or without probation.

Because of this additional section, page 9, line 9, would be changed to reflect "Section 4."

For page 9, Section 709-906(7), from line 12, rather than the bill's new language, the court suggests this change.

(7) Whenever a court sentences a person or grants a motion for deferral pursuant to subsections (5) and (6), it also shall require that the offender complete within a specified time frame, first, an assessment at any available domestic violence intervention programs, and then shall complete a domestic violence intervention course or anger management counseling as determined by the domestic



House Bill No. 1344, Relating to Anger Management  
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violence program, and, if the offense involved the presence of or abuse of a minor, any available parenting classes ordered by the court.

Page 11, lines 5 to 9, has an oversight to correct.

The court shall order a subsequent hearing at which the person is required to make an appearance, on a date certain, to determine whether the person has completed the ordered domestic violence intervention programs, anger management counseling, or parenting classes.

Thank you for the opportunity to submit testimony on this important bill.

**STATE OF HAWAI‘I**  
**OFFICE OF THE PUBLIC DEFENDER**

**Testimony of the Office of the Public Defender, State of  
Hawai‘i to the House Committee on Human Services**

February 14, 2023

H.B. No. 1344: RELATING TO ANGER MANAGEMENT

Chair Mizuno, Vice-Chair Amato, and Members of the Committee:

The Office of the Public Defender supports H.B. No. 1344.

For the past six months, the DVI (Domestic Violence Intervention) Working Group have been discussing and collaborating on how to implement improvements on how service providers can better serve and educate defendants who have been ordered to take DVI classes as part of their sentence. The DVI Working Group includes participants from DVI service providers, the Judiciary/Adult Client Services, the Honolulu Prosecutor’s Office, and the Office of the Public Defender.

On June 17, 2022, ACT 43 (2022 Session) was signed into law and required all defendants sentenced under HRS §586-4 (Violation of a Temporary Restraining Order), HRS § 586-11 (Violation of an Order for Protection), and HRS § 709-906 (Abuse of a Family or Household Member) to take a DVI class.

Service providers, including Child & Family Service (CFS) and the Family Peace Center, became aware of an issue involving whether DVI classes were appropriate for every defendant sentenced under the mandatory DVI provisions. DVI classes were designed for “intimate partners” and were not intended for family or household members who were not in an intimate relationship. Non-intimate relationships include the following: parent/guardian and child; grandparent and grandchild; uncle/aunt and nephew/niece; siblings; or platonic housemates. The Family Court is not limited to spouses. The Office of the Public Defender provides services to defendants who may be involved in family conflict that go beyond the husband-wife, boyfriend-girlfriend, partner-partner or spouse-spouse dynamic. We have seen an increase in cases involving non-intimate partners and H.B. No. 1344 directly addresses the need for appropriate alternative classes in the form of Anger Management.

The sole purpose of H.B. No. 1344 is to allow a service provider to conduct an assessment and to allow that service provider to divert a defendant involved in a case with a non-intimate partner from DVI classes to Anger Management classes. This would allow the service providers to provide more appropriate and targeted classes for that defendant and will help maintain the integrity of any discussions about intimate partner conflicts in the DVI class setting. DVI classes can take up to 25 weeks and involve discussions that may not be appropriate for defendants who have cases that do not involve this dynamic in their relationship with their family or household member. Anger Management classes include the same components as DVI classes without discussions about specific intimate situations which are inappropriate for some participants. Determinations on whether DVI or Anger Management classes are more appropriate would be made by the service providers and their expertise.

Providing appropriate classes is in the interest of public safety. Classes that are more tailored to the needs of the defendants will help ensure better rates of class series completion and help prevent future conflicts that could lead to violence.

Thank you for the opportunity to comment on this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE JOHN M. MIZUNO, CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawai`i**

February 14, 2023

**RE: H.B. 1344; RELATING TO ANGER MANAGEMENT.**

Chair Mizuno, Vice-Chair Amato and members of the House Committee on Human Services, the Department of the Prosecuting Attorney, City and County of Honolulu (“Department”), submits the following testimony in support of H.B. 1344.

The purpose of this bill is to ensure that defendants receive the proper treatment when convicted for the offenses of Violation of a Temporary Restraining Order (“VTRO,” HRS §586-4); Violation of a Protective Order (“VOP,” HRS §586-11); or Abuse of Family or Household Member (“AFHM,” HRS §709-906).

Currently, the sentencing provisions for conviction of AFHM, VTRO and VOP require defendant’s convicted of to participate in a domestic violence intervention program (“DVI”) as part of their sentence. Although DVI is an important part of the rehabilitation process for the vast majority of defendants convicted of AFHM, for certain defendants—particularly those who have no history of intimate partner violence—a certified treatment provider may assess that DVI is not appropriate to aid in the defendant’s recovery. In order to create a more suitable treatment plan, probation officers and treatment providers require some flexibility and discretion, to better serve the defendant while minimizing the chances of recidivism. Over the past few months, the Department has worked jointly with the Office of the Public Defenders, Parent and Children Together (“PACT”), Child Family Services (“CFS”) and the Judiciary, to develop language (found in H.B. 1344) that we believe creates the necessary degree of flexibility.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of H.B. 1344. Thank you for the opportunity to testify on this matter.



HAWAI'I STATE  
COALITION AGAINST  
DOMESTIC VIOLENCE

February 13, 2023

Members of the House Committee on Human Services:

Chair John M. Mizuno  
Vice Chair Terez Amato  
Rep. Della Au Belatti  
Rep. Greggor Ilagan  
Rep. Bertrand Kobayashi  
Rep. Scott Y. Nishimoto  
Rep. Jenna Takenouchi  
Rep. Diamond Garcia

Re: HB1344 Relating to Anger Management

Dear Chair Mizuno, Vice Chair Amato, and Members of the House Committee on 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 28 member programs statewide, I respectfully submit testimony in support of HB1344. This measure would allow agencies providing domestic violence intervention (DVI) the discretion to divert clients into anger management counseling if anger management is more appropriate for the client. This measure allows agencies to comply with the court order and provide appropriate services.

Currently, the law is indiscriminate and mandates that all offenders convicted of a TRO or protective order violation, or all offenders receiving a deferral on abuse of a family or household member charge be ordered into DVI regardless of the status of the relationship with the victim in the case. This means that all offenders in non-intimate relationships with the victim must go through DVI and DVI agencies must comply with the court order and provide inappropriate services.

However, if the offender is in a non-intimate relationship with the victim in the case, then anger management is more appropriate as it will address impulse control and emotional regulation in challenging situations with other family members, like uncles or brothers.



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

If an offender is in an intimate relationship with the victim, DVI is more appropriate because it consists of both psychoeducational and cognitive-behavioral counseling meant to help offenders choose non-violence with their intimate partners. To help offenders be healthy in their intimate relationships, DVI counselors challenge their thinking around topics like jealousy and sexual violence. DVI counselors also help clients find healthier alternatives to the controlling behavior they use on their intimate partners. For clients who are not in intimate relationships with the victims in their cases, the DVI curriculum can be challenging to relate to.

The amended language will rectify the problem by giving DVI agencies the discretion to offer more appropriate services to clients depending on the outcome of their assessment. DVI agencies' goals are to engage their clients in services so that they are successful and thereby promote safety in the community.

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

Sincerely,  
Angelina Mercado, Executive Director





TO: Chair John Mizuno  
Vice Chair Terez Amato  
FR: Nanci Kreidman, M.A.  
Chief Executive Officer  
RE: H.B. 1344

HB 1344 Support

Aloha. It is important for the community to understand what domestic violence looks like, what appropriate intervention is and what programs are suited to address domestic violence. Our community's domestic violence programs work primarily to address partner abuse. We are acutely aware that abuse occurs between siblings, other family members and grandparents and grandchildren. With programs designed to address one issue, partner violence, they are not equipped nor appropriate to address the other kinds of family violence.

So, after an assessment by a domestic violence program a new referral to an anger management program would be the next reasonable step. Funds will likely be needed to meet the expanded need and expectation that our community-based organizations will be asked to work with other family members and address other forms of abuse.

Thank you for hearing this Bill, to enhance the community's capacity for building safe island families, and safe island communities.

Thank you for your favorable action related to H.B. 1344.

**HB-1344**

Submitted on: 2/13/2023 3:40:38 PM

Testimony for HUS on 2/14/2023 9:30:00 AM

| <b>Submitted By</b> | <b>Organization</b>                   | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------------------------|---------------------------|------------------------|
| Nikos Leverenz      | Hawaii Health & Harm Reduction Center | Support                   | Written Testimony Only |

Comments:

Aloha Chair Mizuno, Vice Chair Amato, & Members of the Human Services Committee:

On behalf of Hawai'i Health & Harm Reduction Center, I am writing in support of HB 1344, which authorizes certain criminal offenders to undergo anger management counseling in lieu of domestic violence intervention as part of their sentences.

HHHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals who are impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions, and have been deeply impacted by trauma that often includes histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this measure.

CHAIR John M. Mizuno, House Committee on Human Services

HB 1344

Tuesday, 2.14.2023

9:30am, House Committee on Human Services Room 329

IN SUPPORT

Introduction

- 1) My name is Kahala Dotson, and I work for the social services agency Child & Family Service.
- 2) I am an Administrator with CFS and have worked in the Human Services field for over 15 years. CFS works with offenders who are currently referred to DVI and Anger Management services. I am testifying in support of HB 1344 .

Content

- Domestic Violence Intervention services currently is a catchall and does not distinguish between intimate partner violence and those in non-intimate relationships. This poses inappropriate services for those ordered to our current Domestic Violence Intervention (DVI) by the Adult Client service Branch (ACSB), or District Court.
- The law is currently indiscriminate and mandates that all offenders convicted of a TRO or Protective Order Violation, or an Abuse of Household Member charge can be ordered into DVI regardless of the status of the relationship with the victim in the case. This means that all offenders in non-intimate relationships with the victim must go through DVI and DVI agencies must comply with the court order and provide inappropriate services.
- HB 1344 allows agency provider the discretion to divert clients into anger management if it is appropriate.
- We are proposing that for TRO, Protective Order violations and Abuse of Household Member A person convicted under this section shall undergo domestic violence intervention at any available domestic violence program as ordered by the court, unless diverted to anger management counseling based on an assessment conducted by a domestic violence intervention service provider, in which case the person shall complete anger management counseling.
- This language to be amended would assist in providing appropriate services. DVI services find healthier alternatives to the controlling behaviors with intimate partners. For filial, neighbors, or nonintimate partnerships, the DVI curriculum can be challenging to relate to. Anger management is more appropriate as it will address impulse control and emotional regulation.

Closing

- Currently Judges are mandated by law in criminal court to refer clients to what we feel at CFS are inappropriate services.

- Agency providers such as Child & Family Service strive to provide appropriate services that promote safety for the community and successful completion of the services provided.
- We urge you to pass HB 1344 to provide DVI agencies with appropriate services to help those ordered to DVI and Anger management. Mahalo for this opportunity to testify on this bill.

Kahala Dotson  
Child & Family Service  
808-681-3500

**HB-1344**

Submitted on: 2/11/2023 3:44:31 PM

Testimony for HUS on 2/14/2023 9:30:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Dara Carlin, M.A.   | Individual          | Support                   | Written Testimony<br>Only |

Comments:

Stand in Support

To: Chair Mizuno, Vice Chair Amato, and Members of the Human Services Committee:

From: Jill Araki, LSW, ACSW, MSW

RE: **In Support of House Bill 1344: Relating to Anger Management**

Date of Hearing: 02/14/2023

Time: 9:30 a.m.

Location: Room 329

I offer testimony in support of HB 1344 which allows agencies providing domestic violence intervention the discretion to divert clients into anger management counseling if anger management is more appropriate for the Client's needs. This measure allows agencies to comply with the court order and still provide appropriate services.

I am testifying as a private citizen who has worked in the field of domestic violence for over 30 years: over two decades with survivors and now almost nine years with offenders. I also currently supervise a domestic violence intervention program for people who choose to use violence with their intimate partners, but my testimony today is not on behalf of the agency I work for as they are submitting their testimony in support separately.

There are two reasons I support the bill as outlined below.

**1) The amended language helps prevent clients from receiving inappropriate services.**

Domestic violence intervention (DVI) is both psychoeducational and cognitive-behavioral counseling meant to help offenders choose non-violence with their intimate partners. To help offenders be healthy in their intimate relationships, DVI counselors challenge their thinking around topics like jealousy and sexual violence. DVI counselors also help clients find healthier alternatives to the controlling behavior they use on their intimate partners. For clients who are not in intimate relationships with the victims in their cases, the DVI curriculum can be challenging to relate to.

The law is currently indiscriminate and mandates that all offenders convicted of a TRO or Protective Order Violation, or an Abuse of Household Member charge be ordered into DVI regardless of the status of the relationship with the victim in the case. This means that all offenders in non-intimate relationships with the victim must go through DVI and DVI agencies must comply with the court order and provide inappropriate services.

If the offender is in a non-intimate relationship with the victim in the case, then anger management is more appropriate as it will address impulse control and emotional regulation in challenging situations with non-intimate family members, like uncles or brothers. The amended language will rectify the problem by giving DVI agencies the discretion to offer more appropriate services to clients based on their assessments rather than following an

indiscriminate court order that needs to be complied with. DVI agencies' goals are to engage all clients in services so that they are successful thereby promoting safety in the community.

**2) The amended language would help to prevent clients from serving potential jail time if they did not attend inappropriate services.**

In reviewing some of the cases over the past year of clients on probation who were referred for DVI inappropriately, several of the clients were terminated from services in non-compliance because they were absent too many times.

Since these clients were on probation and did not comply with their court order to complete DVI, these clients' probation officers could file a "revocation of probation" motion with the courts. Should these clients go to jail because the counseling programs had to provide them with inappropriate information regardless of their needs because of their court order? As one client shared in group who went through DVI because he violated his sister's restraining order, "I don't know how to relate to this stuff because my incident was with my sister." Imagine what it must have been like for him when his group covered topics like jealousy and controlling behavior over intimate partners. He ended up terminated from the program for too many absences and could face possible jail time for not complying with the court order.

This bill would fix this problem and engage clients more in services if the services are more appropriate to their needs. There are other sources that refer clients inappropriately for services, but criminal court is the only place where the Judges are mandated by law to refer clients to inappropriate services.

I urge you to pass HB 1344 to allow DVI agencies to engage clients with appropriate services which can then help to promote safety in the community. Thank you for this opportunity to testify on this measure.