



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

S.B. NO. 1520, S.D. 1, RELATING TO FAMILY.

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

DATE: Thursday, March 20, 2025 **TIME:** 10:15 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Erin K. S. Torres,
Deputy Attorney General, at 808-693-7081)

Chair Marten and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill establishes an exemption from mediation in paternity proceedings in chapter 584, Hawaii Revised Statutes (HRS) when there are allegations of domestic abuse and clarifies that the exemption from mediation in divorce proceedings in chapter 580, HRS, applies when there are allegations of domestic abuse.

The Department notes that proposed sections 584- (b)(3) and (d)(3), and section 580-41.5(b)(3) and (d)(3), HRS (page 2, lines 5-14; page 3, lines 9-18; page 5, lines 1-12; and page 6, lines 10-18, respectively), differ from section 658H-10, HRS, of the Uniform Mediation Act, which provides "[a]n attorney or other individual designated by a party may accompany the party to and participate in a mediation." The difference is that the above-mentioned paragraphs in the bill ensure that the victim may bring a supportive person of the victim's choice to mediation, but no other party may do so unless the victim chooses to do so first. This discrepancy could lead to confusion or an unfair result.

To address this issue, we recommend removing sections 584- (b)(3) and (d)(3) and 580-41.5(b)(3) and (d)(3), HRS (page 2, lines 5-14; page 3, lines 9-18; page 5, lines 1-12; and page 6, lines 10-18), which relate to the attendance of supportive persons in mediation. Deleting these provisions will still allow an attorney or other individual

designated by a party to accompany the party to and participate in a mediation under section 658H-10, HRS, in these proceedings.

If this Committee decides to retain these provisions, we respectfully request the following amendments to section 580-41.5(d)(3) for consistency:

1. Replace "advocate" on page 6, line 13, with "individual designated by the alleged victim pursuant to section 658H-10," and
2. Repace "advocate" on page 6, line 18 with "individual designated by the other party pursuant to section 658H-10".

These changes would ensure consistency in the affected sections pertaining to the options of who a party may select to attend mediation.

Thank you for the opportunity to present our comments.



March 20, 2025

Members of the House Committee on Human Services & Homelessness:

Chair Lisa Marten
Vice Chair Ikaika Olds
Rep. Terez Amato
Rep. Cory M. Chun
Rep. Sue L. Keohokapu-Lee Loy
Rep. Gregg Takayama
Rep. Jenna Takenouchi
Rep. David Alcos III
Rep. Diamond Garcia

Re: SB1520 SD1 Relating to Family

Dear Chair Marten, Vice Chair Olds, and Members of the House Committee on Human Services & Homelessness:

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. 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

SB-1520-SD-1

Submitted on: 3/19/2025 9:01:50 AM

Testimony for HSH on 3/20/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kent	Commission to Promote Uniform Laws	Support	Written Testimony Only

Comments:

Aloha,

Thank you for the opportunity to testify in strong support of the intent of SB 1520 which is, among other things, to make sure that alleged victims of domestic violence are not forced into mediation and to protect alleged victims of domestic violence. My concern is that there would be a conflict between existing law that addresses participation in mediation and some of the language in SB 1520.

Chapter 658H-10 (aka the Uniform Mediation Act) addresses who may participate in a mediation. It says:

***[§658H-10] Participation in mediation.** An attorney or other individual designated by a party may accompany the party to and participate in a mediation. A waiver of participation given before the mediation may be rescinded. [L 2013, c 284, pt of §1]*

SB 1520 addresses participation in both paternity and divorce cases, specifically at:

- Section 1, 584____(b)(3), at page 2, lines 5-14
- Section 1, 584 ____ (d)(3), at page 3, lines 9-18,
- Section 2, 580-41.5(b)(3), at page 5, lines 1-12, and
- Section 2, 580.41.5(d)(3), at page 6, lines 10-18.

I am concerned that this potential conflict between those sections and Chapter 658H-10 might result in unnecessary future litigation. I suggest deleting those sections of SB 1520.

Respectfully,

Elizabeth Kent



March 18, 2025

Position: Support of SB1520 SD1

To: Representative Lisa Marten, Chair
Representative Ikaika Olds, Vice Chair
Members of the House Committee on Human Services & Homelessness

From: Llasmin Chaîne, LSW, Executive Director, Hawai'i State Commission on the Status of Women

Re: Testimony in Support of SB1520 SD1, RELATING TO FAMILY

Hearing: Thursday, March 20, 2025, 10:15 a.m.
Conference Room 329, State Capitol

On behalf of the Hawai'i State Commission on the Status of Women, I would like to thank the Committee for hearing this important bill and to express my **support of SB1520 SD1, RELATING TO FAMILY**.

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 emotionally¹. 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 hurt².**

I respectfully urge this Committee to **pass SB1520 SD1**. Thank you for this opportunity to submit testimony.

¹ Anyikwa VA. Trauma-Informed Approach to Survivors of Intimate Partner Violence. J Evid Inf Soc Work. 2016 Sep-Oct;13(5):484-91. doi: 10.1080/23761407.2016.1166824. Epub 2016 May 4. PMID: 27142906.

² Andrew Day and Erica Bowen. Offending competency and coercive control in intimate partner violence. Aggression and Violent Behavior, Volume 20, 2015, Pages 62-71, ISSN 1359-1789. <https://www.sciencedirect.com/science/article/pii/S1359178914001293>



To: House Committee on Human Services and Homelessness
Re: SB 1520 SD 1 Relating to family

Hawai'i State Capitol, Conference Room 329 & Via Videoconference
March 20, 2025

Dear Chair Marten, Vice Chair Olds, and Committee Members,

On behalf of HCANSpeaks!, I am writing in strong support of SB 1520 SD1, relating to family. This bill allows survivors in contested paternity cases to choose mediation and allows a support person such as an advocate or attorney to be present.

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 **strong support of SB 1520 SD 1.**

Sincerely,
Noreen Kohl, Ph.D.
Policy Researcher and Advocate

SB-1520-SD-1

Submitted on: 3/19/2025 11:58:04 AM

Testimony for HSH on 3/20/2025 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
Deanna Espinas	Individual	Support	Written Testimony Only

Comments:

In strong support. Thank you!

SB-1520-SD-1

Submitted on: 3/19/2025 9:40:46 PM

Testimony for HSH on 3/20/2025 10:15:00 AM

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

Comments:

This measure would empower victims of domestic abuse by allowing them to bring a supportive person of their choosing to mediation. This crucial support would provide emotional comfort, helping victims feel more at ease during the mediation process and ensuring they have the necessary backing to navigate such a challenging experience.

Thank you for the opportunity to testify.