



## *The Judiciary, State of Hawai‘i*

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

#### **Senate Committee on Judiciary**

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Thursday, February 20, 2025 at 10:01 a.m.  
Hawai‘i State Capitol, Conference Room 016

by

Dyan M. Medeiros

Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

#### **WRITTEN TESTIMONY ONLY**

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**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 the mediation agreement.



Senate Bill No. 1520, Relating to Family.  
Senate Committee on Judiciary  
Thursday, February 20, 2025 at 10:01 a.m.  
Page 2

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.



February 20, 2025

Members of the Senate Committee on Judiciary:

Chair Karl Rhoads  
Vice Chair Mike Gabbard  
Sen. Stanley Chang  
Sen. Joy A. San Buenaventura  
Sen. Brenton Awa

Re: SB1520 Relating to Family

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

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**

Submitted on: 2/18/2025 7:00:52 PM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Amanda Ybanez	Testifying for Kalihi Palama NB # 15	Support	Written Testimony Only

Comments:

Chairwoman of Kalihi Palama NB # 15 is in strong support of this bill.



**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: Senate Committee on Judiciary

Re: SB 1520 Relating to family

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

February 20, 2025, 10:01AM

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

**On behalf of HCANSpeaks!, I am writing in support of SB 1520, 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 **support of SB 1520.**

Sincerely,

Noreen Kohl, Ph.D.

Policy Researcher and Advocate

**SB-1520**

Submitted on: 2/19/2025 10:32:56 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Erica Reed	Individual	Comments	Written Testimony Only

Comments:

I am a domestic violence advocate.

The subject of mediation is referenced in a 1 hour legal CE entitled "Advocating for Survivors of Domestic Abuse in Parenting Issues." (presenter Lundy Bancroft, SHALVA). Another outstanding 1 1/2 hour training is "Why Family Courts Fail Protective Mothers and their Children" (presenters Barry Goldstein and Vanessa York, Domestic Shelters). If the committee is unfamiliar with their work, Bancroft and Goldstein are two of our nation's top domestic violence court experts. Goldstein also has numerous articles on his website. Should the committee require additional information, I recommend contacting these experts.

This bill and others like it point to the need for mandatory training for current law, medical, and mental health providers and the need for mandatory coursework at the undergraduate and graduate-level. Our key professionals pose a danger to abused and battered women and children. Medical providers fail to collect evidence, and lawyers and mental health professionals frequently recommend custody to batterers and child molesters. Comprehensive educational reforms, fee restructuring or reduction, and more disciplinary action are necessary and should be led by the state, not the accreditors and associations (due to their 50 track record). Thank you for your consideration of this important matter.

**LATE**

**SB-1520**

Submitted on: 2/20/2025 1:06:33 AM

Testimony for JDC on 2/20/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Ann S Freed	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhodes, Vice-Chair Gabbard and members,

I strongly support this bill which will cut off an avenue of re-abuse exploited by perpetrators of domestic violence. I urge you to pass this bill.

Mahalo,

Ann S. Freed

Mililani