



*The Judiciary, State of Hawai‘i*

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

**Senate Committee on Judiciary**

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Thursday, March 30, 2023 at 9:35 a.m.  
Conference Room 016 & 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. 841, H.D. 2, Relating to Domestic Abuse Protective Orders.

**Purpose:** Requires domestic abuse protective order cases to be reports to the department of human services when the case involves allegations of child abuse or neglect, rather than allegations of domestic abuse. (HD2)

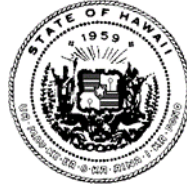
**Judiciary’s Position:**

The Judiciary supports House Bill No. 841, H.D. 2.

This bill amends Hawai‘i Revised Statutes Section 586-10.5, which is entitled: “Reports by the department of human services [“DHS”].” This section outlines responsibilities of the court and the DHS related to HRS Chapter 350, and aligns the chapter 586 definition to the definition of chapter 350. This will provide greater consistency between chapters 350 and 586.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



CATHY BETTS  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

STATE OF HAWAII  
KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF HUMAN SERVICES**  
KA 'OIHANA MĀLAMA LAWELAWE KANAKA  
Office of the Director  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

March 28, 2023

TO: The Honorable Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

FROM: Cathy Betts, Director

SUBJECT: [HB 841 HD2](#) – RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS.

Hearing: March 30, 2023, 9:35 a.m.  
Conference Room 016 & Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports this bill, provides comments, and defers to the Judiciary. DHS appreciates the Legislature's support for executive budget requests and other measures that increase resources to the Child Welfare Service Branch.

**PURPOSE:** The measure requires domestic abuse protective order cases to be reported to the department of human services when the case involves allegations of child abuse or neglect, rather than allegations of domestic abuse. (HD2)

The HD1 amended the measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style. The HD2 made additional technical amendments.

Child Welfare Services (CWS) works closely with the Family Court to ensure children's safety, permanency, stability, and well-being. Section 586-10.5, Hawaii Revised Statutes, requires the Family Courts to report all temporary restraining orders to the CWS involving a

family or household member who is a minor in cases of alleged domestic abuse. Many referrals do not indicate safety concerns for the children.

The current mandate to refer to Child Welfare Services (CWS) may deter parents from seeking a temporary restraining order (TRO), as petitioners fear DHS will take their children from their care as they seek protection from abuse. Perpetrators often use the threat of child custody or the potential for a child's removal against their abuse victims. Filing a petition for a TRO is a proactive step toward creating safety for oneself and one's children; individuals experiencing domestic violence should not be "punished" with unnecessary CWS involvement for taking this protective step.

Additionally, the current statute that mandates an automatic referral to CWS puts more demands on CWS staff investigating reports of abuse or neglect. With the TRO referral, CWS workers have 2-5 days to screen the referrals, investigate the cases, submit written reports to the court, and appear for the hearing.

The proposed amendment limits referrals to CWS to petitions for restraining orders that include allegations of child abuse as defined in section 350-1, HRS. The amendments will:

- Reduce reporting families where harm or a threat of harm to a child does not exist,
- Increase and strengthen support for domestic violence survivors,
- Reduce some fears of TRO petitioners that seeking protection will generate a CWS investigation and report, and
- Reserve CWS resources for investigations of reports of child abuse.

Thank you for the opportunity to testify.



HAWAI'I STATE  
COALITION AGAINST  
DOMESTIC VIOLENCE

March 30, 2023

Members of the Senate Committee on Judiciary:

Chair Karl Rhoads  
Vice Chair Mike Gabbard  
Sen. Brandon J.C. Elefante  
Sen. Joy A. San Buenaventura  
Sen. Brenton Awa

Re: HB841 HD2 Relating to Domestic Abuse Protective Orders

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 28 member programs statewide, I respectfully submit testimony **in support of HB841 HD2**. This bill amends HRS 586-10.5, Domestic Abuse Protective Orders to require reports by the Department of Human Services Child Welfare Services when there are allegations of child abuse as defined in HRS 350-1 instead of allegations of domestic abuse.

Without this amendment, survivors of domestic violence would continue to face the potential of a Child Welfare Services (CWS) investigation when they include their children in a domestic violence protective order. Too often, survivors are subjected to more traumatization and victimization during a CWS investigation - instead of receiving trauma-informed help and resources, they are subjected to victim blaming and are held accountable for the abuse, not their partner. Survivor safety is not addressed, and yet we know, when a survivor is safe, their children are more likely to be safe as well.

Domestic violence protective orders are the only survivor-led legal remedy to which they have access and we must balance strengthening the intent of domestic violence protective orders and ensuring that allegations of child abuse are investigated and children are protected.

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

Sincerely,  
Angelina Mercado, Executive Director



**Parents And  
Children Together**

**BUILDING THE RELATIONSHIPS  
THAT MATTER MOST**

ParentsAndChildrenTogether.org

## TESTIMONY IN SUPPORT OF HB 841 HD2

**TO:** Chair Rhoads, Vice-Chair Gabbard, & Members  
Senate Committee on Judiciary  
**FROM:** Ryan Kusumoto, President & CEO  
**DATE:** March 30, 2023 at 9:35 AM

**Parents and Children Together (PACT) supports HB 841 HD2 Relating to Domestic Abuse Protective Orders**, which amends HRS 586-10.5, Domestic Abuse Protective Orders to require referral to the Department of Human Services Child Welfare Services Branch when there are *allegations of child abuse* as defined in HRS 350-1.

Currently, the law requires that a referral to the Department of Human Services Child Welfare Services Branch be made when a parent seeks a domestic abuse restraining order against another parent or household member for *allegations of domestic abuse*. We have found this requirement to be ineffectively broad and not helpful to the safety of the domestic abuse survivor. Too often, survivors are subjected to more traumatization and victimization during a CWS investigation. Instead of receiving trauma-informed help and resources, they are blamed and are held accountable for the abuse, instead of the actual perpetrator. Survivor safety is not addressed, and yet we know that when a survivor is safe, their children are more likely to be safe as well.

Founded in 1968, PACT is a statewide community-based organization providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, we help identify, address, and successfully resolve challenges through our 20 programs. Among our services are early education programs, domestic violence programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, poverty prevention and community building programs.

In relation to this bill, PACT's Family Peace Center has been providing domestic violence counseling for over 25 years and offers a comprehensive community-based program that includes prevention and intervention services. Services on Oahu and Maui strive to bring peace to Hawaii families through a service array that promotes safety, support and accountability to offenders, survivors, and their children. We also operate three domestic violence shelters and have extensive experience with keeping survivors safe.

Thank you for the opportunity to testify. Please contact me at (808) 847-3285 or [rkusumoto@pacthawaii.org](mailto:rkusumoto@pacthawaii.org) if you have any questions.

**HB-841-HD-2**

Submitted on: 3/27/2023 4:18:50 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

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

Comments:

Stand in Support

**HB-841-HD-2**

Submitted on: 3/29/2023 8:49:45 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tanya Philip	Individual	Support	Written Testimony Only

Comments:

I respectfully submit testimony **in support of** HB841 HD1. This bill amends HRS 586-10.5, Domestic Abuse Protective Orders to require reports by the Department of Human Services Child Welfare Services when there are allegations of child abuse as defined in HRS 350-1 instead of allegations of domestic abuse.

Without this amendment, survivors of domestic violence would continue to face the potential of a Child Welfare Services (CWS) investigation when they include their children in a domestic violence protective order. Too often, survivors are subjected to more traumatization and victimization during a CWS investigation - instead of receiving trauma-informed help and resources, they are subjected to victim blaming and are held accountable for the abuse, not their partner. Survivor safety is not addressed, and yet we know, when a survivor is safe, their children are more likely to be safe as well.

Domestic violence protective orders are the only survivor-led legal remedy to which they have access and we must balance strengthening the intent of domestic violence protective orders and ensuring that allegations of child abuse are investigated and children are protected.

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

**HB-841-HD-2**

Submitted on: 3/29/2023 9:05:08 AM

Testimony for JDC on 3/30/2023 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dr. Faith Joyner	Individual	Support	Written Testimony Only

Comments:

I respectfully submit testimony in support of HB841 HD1. This bill amends HRS 586-10.5, Domestic Abuse Protective Orders to require reports by the Department of Human Services Child Welfare Services when there are allegations of child abuse as defined in HRS 350-1 instead of allegations of domestic abuse.

Without this amendment, survivors of domestic violence would continue to face the potential of a Child Welfare Services (CWS) investigation when they include their children in a domestic violence protective order. Too often, survivors are subjected to more traumatization and victimization during a CWS investigation - instead of receiving trauma-informed help and resources, they are subjected to victim blaming and are held accountable for the abuse, not their partner. Survivor safety is not addressed, and yet we know, when a survivor is safe, their children are more likely to be safe as well.

Domestic violence protective orders are the only survivor-led legal remedy to which they have access and we must balance strengthening the intent of domestic violence protective orders and ensuring that allegations of child abuse are investigated and children are protected.

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

Sincerely,

Dr. Faith Joyner



**HB-841-HD-2**

Submitted on: 3/29/2023 6:32:58 PM

Testimony for JDC on 3/30/2023 9:35:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Deanna Espinas	Individual	Support	Written Testimony Only

Comments:

Please support this bill. Thank you.