

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

TO: Chair Karamatsu, Vice Chair Ito and Members of the Committee

FR: Jane Seymour, Hawaii State Coalition Against Domestic Violence

Hearing date and time: Tuesday, February 9, 2010 at 2:30pm

RE: Opposition to HB 2250 HD1: Relating to the Uniform Child Abduction Prevention Act

Aloha, my name is Jane Seymour and I am representing the HSCADV, a private non-profit agency which serves as a touchstone agency for the majority of domestic violence programs throughout the state. For many years HSCADV has worked with the Hawaii Legislature by serving as an educational resource and representing the many voices of domestic violence programs and survivors of domestic violence.

HSCADV opposes HB 2250 HD1.

While the HSCADV understands the intent of this bill, we have some serious concerns about the impact that this bill may have on victims of domestic violence who are attempting to protect themselves and their children by fleeing an abusive partner. Several studies have shown that many men who abuse their wives, also abuse their children. Additionally, batterers have consistently learned how to utilize the judicial system and child custody proceedings to continue to terrorize and abuse their partners.

Currently, HB 2250 HD1 lists several factors to be used in determining whether there is a credible risk of abduction, including a previous abduction, attempted abduction or threatened abduction (page 5, lines 15-17). Victims of domestic violence often flee from their abuser several times during the course of an abusive relationship, staying at emergency shelters or with friends and family. Under the current proposal, if a woman flees with her children to escape domestic violence, this action could later be used against her if her batterer argues that when she fled the abuse she abducted the children by leaving without his permission.

Another concern that the HSCADV has is the listing of activities that may indicate a planned abduction. The list includes, abandoning employment, terminating a lease or selling a house, certain financial transactions including closing or changing bank accounts, and obtaining medical and school records. These activities all describe typical actions of a victim of domestic violence who is leaving her abuser and seeking safety for herself and her children. Oftentimes, a woman must change her entire life, including where she lives, works, does errands, and where her children attend school, in order to remain safe from her abuser.

Additionally, while there is a provision in this bill that requests the court to consider "evidence of domestic violence, stalking or child abuse or neglect," it does not specify what evidence would be considered sufficient. Many victims of domestic violence do not seek medical attention, file police reports, or have other such supporting documentation. Many times they are too scared or embarrassed to seek help from professional or governmental organizations, and so the domestic violence goes undocumented.

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Finally, victims of domestic violence may appear to be un-compliant with a custody order, which, in the current bill, is also a determinate of whether there is credible risk of abduction. While we recognize that non-compliance with custody and visitation orders is a problem, batterers have historically used visitation exchanges and custody issues to continue to abuse their former partners. A woman who is a victim of domestic violence may appear to be non-compliant, when instead she is simply attempting to protect herself and her children from further abuse.

We feel that this bill could negatively impact victims of domestic violence and their children, while unintentionally providing batterers with another opportunity to utilize the court system to further abuse their former partner.

Thank you for the opportunity to testify.



Email to: JUDTestimony@Capitol.hawaii.gov
Hearing on: February 9, 2010 @ 2:30 p.m.
Conference Room 325

DATE: February 9, 2010

TO: House Committee on Judiciary
Representative Jon Karamatsu, Judiciary Chair
Representative Ken Ito, Judiciary Vice-Chair

FROM: Dennis Arakaki, Executive Director

RE: Strong Support for HB 2250, HD1 RELATING TO THE UNIFORM CHILD ABDUCTION PREVENTION ACT

Honorable Chair Karamatsu, Vice Chair Ito and members of the House Judiciary Committee, I am Dennis Arakaki, representing both the Hawaii Family Forum and the Roman Catholic Church in the State of Hawaii.

Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of over 250 Christian churches. The Roman Catholic Church in Hawaii, under the leadership of Bishop Larry Silva, represents over 220,000 Catholics in Hawaii, as well as the Catholic School in Hawaii. We are in strong support of HB 2250, HD1, which would establish a comprehensive child abduction prevention law.

When it comes to children, it is always more prudent to do whatever possible to prevent tragedies that will scar their lives for a long time. We see many of these cases highlighted in the news media and we know it is the child who is the ultimate victims in these abductions. There are probably countless other cases that we do not hear about but result in similar tragic circumstances. When it comes to custody issues, we at Hawaii Family Forum and Hawaii Catholic Conference believe that the best interest of the child should be first and foremost.

We applaud your efforts to protect Hawaii's children.

Mahalo for the opportunity to testify.