

Domestic Violence Action Center

Formerly the Domestic Violence Clearinghouse and Legal Hotline

PO Box 3198 • Honolulu, Hawaii 96801 • Ph:808/534-0040 • Fax:808/531-7228

TO: Chair John Mizuno
Vice Chair Tom Brower
Members of the Committee

FR: Nanci Kreidman, M.A.
Chief Executive Officer

RE: H.B. 831

Aloha. The intent of this bill is well understood. We must state concerns for the record.

The restraining order process is designed to be simple enough for a victim to obtain by her/himself. Although our agency provides legal representation for victims, we are not able to represent every petitioner. This raises questions about the means for victims to request the Court to permit substitute service. How would the victim establish by clear and convincing evidence that the respondent is avoiding service?

Without a thorough understanding of the system, it is difficult to expect a victim-who has already taken a very brave step by coming forward, and entering into unfamiliar territory (ie court system) to successfully complete a hearing to enable the judge to find clear and convincing evidence.

It is important to pass laws that will be beneficial to the community and increase access to safety and justice.

Thank you for consideration of new strategies to do just that.



Cynthia Nyross

From:

Dara Carlin, M.A. [breaking-the-silence@hotmail.com]

Sent:

Sunday, February 08, 2009 4:30 PM

To:

HUStestimony

Subject:

HB831 to be heard Monday, February 9th at 8:15am by the House Committee on Human

Services

TO: Representative John Mizuno, Chair Representative Tom Brower, Vice Chair

Members of the Committee on Human Services

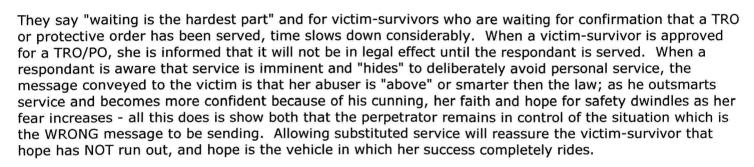
FROM: Dara Carlin, M.A.

Oahu VOICES

716 Umi Street, Suite 210 Honolulu, HI 96819 (808) 832-9316 X106

DATE: February 9, 2009

RE: Support for HB831



Thank you for your time and consideration.

Respectfully,

Dara Carlin, M.A.
Oahu VOICES Representative

Windows Live™: E-mail. Chat. Share. Get more ways to connect. Check it out.

Windows Live™: Keep your life in sync. Check it out.



Cynthia Nyross

From:

mailinglist@capitol.hawaii.gov

Sent:

Sunday, February 08, 2009 10:13 PM

To:

HUStestimony

Cc:

@hawaii.rr.com

Subject:

Testimony for HB831 on 2/9/2009 8:15:00 AM

Attachments:

HB831 SB672.docx

Testimony for HUS 2/9/2009 8:15:00 AM HB831

Conference room: 329

Testifier position: support Testifier will be present: Yes Submitted by: Penny Hackney Organization: Individual

Address:

▶ Honolulu,HI

Phone:

E-mail: @hawaii.rr.com Submitted on: 2/8/2009

Comments:

Restimony

For 4 ½ years we have lived in Wilhelmina Rise and been harassed by a neighbor. Last year I talked with Stan at Charles Dijo office about this matter and he said I should talk to then acting Maj. Green. Both told me we should get a TRO to try and stop the harassment but I explain to both that another neighbor had tried that after she was attacked and officers could never serve the respondent. I tried to ignore this neighbor but in sept 08 this woman attacked me. I called officers out and they said maybe it was time to get that TRO. The first one I filed was dismissed without prejudice after the 90 days were up and I refilled and included the husband due to his phone call. Officers tried to serve the TRO but respondents would just hide in the house and refuse to answer the door. With the help of Maj. Green the husband was finally server but lies to officers that his wife isn't home. I asked the judge to please tell me how I can go about getting her served but he told me that Hawaii law only allows service by officers. In other states law allows for other ways of service and that is something only legislators can change. I had another judge off the record chastise my husband and I for not having her served yet while her husband stood right next to us. I know we are not the only people to have had this problem, and the law should allow other was of service when it is apparent that the respondent is avoiding service by officers.