

## JUDtestimony

---

**From:** Dara Carlin, M.A. [breaking-the-silence@hotmail.com]  
**Sent:** Monday, February 21, 2011 7:29 PM  
**To:** JUDtestimony  
**Subject:** HB56 HD1 to be heard Tuesday, 02/22/11, at 2:00pm in Room 325

**Importance:** High

TO: Representative Keith-Agaran, Chair  
Representative Rhoads, Vice Chair  
Judiciary Committee Members

FROM: Dara Carlin, M.A.  
Domestic Violence Survivor Advocate  
881 Akiu Place  
Kailua, HI 96734

DATE: 02/22/11

RE: **COMMENTS & SUGGESTIONS, NO POSITION on HB56 HD1**

Good Afternoon Representatives and thank you for allowing me the opportunity to provide testimony on this topic.

I frequently feel like "The Bad News Fairy" whenever I have to insert the issue of domestic violence into everything, but I HAVE TO because domestic violence touches EVERY ASPECT of our lives, whether you see/feel it or not.

As a former Marriage & Family Therapist, this is not the wisest piece of legislation to pursue but it is particularly harmful if applied to cases of domestic violence so I would like to ask for a **DV EXEMPTION**, like we have in the "Best Interests" statute if this bill is to move forward.

SAFETY of the children and survivor is the #1 concern for cases involving domestic violence and often times the parents of the abuser and/or victim do not take the safety risks seriously because they believe the abuser to be innocent or incapable of the acts he's accused of. I have seen some grandparents of both abusers AND victim-survivors completely disregard court orders because they do not see the terms of the court orders as being applicable to them and also know of instances where grandparents "supervising" visitations have allowed the abuser unsupervised access to the children because they feel the supervision is unnecessary. Again, in the context of domestic violence, this proposed legislation is inappropriate.

In a "normal" non-abusive context, if a grandparent has to turn to the family court to ask for intervention re: visitation with their grandchildren, it's probably fair to say that the relationship between the grandparent and the parent is already strained. If the grandparents are at all interested in ever seeing these strained relationships improve, the grandparents would be better off seeking the intervention of a FAMILY THERAPIST instead of the FAMILY COURT because pursuing court action will most likely become the final blow to whatever's left of the parent-grandparent relationship.

If this measure should go forward, I would suggest the following be included:

"If a grandparent awarded visitation is found to be circumventing the orders of the court or allows their visitation time to include a parent whom the court has oversight, the grandparent/s shall be found in contempt of court". While I know this sounds particularly harsh, "helping" their child from "an unfair court order" by increasing a parent's visitation time through the guise of grandparent visitation IS a violation of court orders and hence, contempt. EVERYONE is subject to the law; NO ONE is above it and if we're all honest, law-abiding citizens then we shouldn't experience any problems with it being disregarded or broken.

Respectfully,

Dara Carlin, M.A.

Domestic Violence Survivor Advocate

## JUDtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 21, 2011 10:01 PM  
**To:** JUDtestimony  
**Cc:** honolulubruce@aol.com  
**Subject:** Testimony for HB56 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB56

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Bruce Berger  
Organization: Individual  
Address:  
Phone:  
E-mail: [honolulubruce@aol.com](mailto:honolulubruce@aol.com)  
Submitted on: 2/21/2011

**Comments:**

I strongly support this bill which will empower grandparents and not leave them on the outside looking in at their grandchildren.

## JUDtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 22, 2011 2:48 AM  
**To:** JUDtestimony  
**Cc:** dr.la@aloha.net  
**Subject:** Testimony for HB56 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB56

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Laurette DeMandel-Schaller  
Organization: Individual  
Address:  
Phone:  
E-mail: [dr.la@aloha.net](mailto:dr.la@aloha.net)  
Submitted on: 2/22/2011

**Comments:**

I have worked with Senator Chun Oakland on the family court working group, as a representative of the Hawaii Association of Marriage and Family Therapists (HAMFT), for many years now. My work includes private practice in Psychological and Court Services.

I fully support HB56 HD1 as grandparents can be a source of stability and mentoring for children. The process for allowing grandparent visitation must be corrected so a procedure for grandparent involvement with children can be an option for the court.

Dr. Laurette DeMandel-Schaller, MFT, Ph.D.  
Court Appointed CE, GAL, Senior Mediator former HAMFT Ethics Committee Chairperson

## JUDtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 22, 2011 3:36 AM  
**To:** JUDtestimony  
**Cc:** paigeemail@yahoo.com  
**Subject:** Testimony for HB56 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB56

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Paige Calahan  
Organization: Individual  
Address:  
Phone:  
E-mail: [paigeemail@yahoo.com](mailto:paigeemail@yahoo.com)  
Submitted on: 2/22/2011

**Comments:**

I am on Maui. I stand on my previously submitted testimony.

## JUDtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 22, 2011 5:17 AM  
**To:** JUDtestimony  
**Cc:** adamtm@lava.net  
**Subject:** Testimony for HB56 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB56

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Tom Marzec  
Organization: Individual  
Address:  
Phone:  
E-mail: [adamtm@lava.net](mailto:adamtm@lava.net)  
Submitted on: 2/22/2011

**Comments:**

Hawaii's grandparent visitation statute needs to be updated. Grandparents form a vital component in the development of children. The positive role grandparents can fulfill in providing stability for a child experiencing divorce is obvious and desired.

Your consideration of these issues is very appreciated.

## JUDtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 22, 2011 8:42 AM  
**To:** JUDtestimony  
**Cc:** gfarstrup@msn.com  
**Subject:** Testimony for HB56 on 2/22/2011 2:00:00 PM

Testimony for JUD 2/22/2011 2:00:00 PM HB56

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Greg Farstrup  
Organization: Individual  
Address:  
Phone:  
E-mail: [gfarstrup@msn.com](mailto:gfarstrup@msn.com)  
Submitted on: 2/22/2011

Comments: