

LATE Testimony

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Sunday, January 29, 2012 11:04 PM
To: HUS testimony
Cc: adamtm@lava.net
Subject: Testimony for HB1729 on 1/30/2012 8:30:00 AM

Testimony for HUS 1/30/2012 8:30:00 AM HB1729

Conference room: 329
Testifier position: Support
Testifier will be present: No
Submitted by: Tom Marzec
Organization: Individual
E-mail: adamtm@lava.net
Submitted on: 1/29/2012

Comments:

Aloha Chair Mizuno - I support HB1729 and request you incorporate the following 2 amendments:

1. Define "imminent" as "less than the time required to hold an emergency noticed court hearing on the petition";.

Rationale: The issue is an ex parte process should only go forward if there is not enough time to have a noticed hearing to address the allegations.

2. Require that all prior ex parte temporary restraining orders applied for by the petitioner be disclosed on the petition for relief, to include the approximate month and year, state, name of respondent, relationship to respondent and the result.

Rationale: The court requires full information to make appropriate decisions in an ex parte process and understanding any history and pattern of past ex parte TRO applications is relevant to every current application.

LATE Testimony

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Monday, January 30, 2012 6:08 AM
To: HUS testimony
Cc: crslethem@gmail.com
Subject: Testimony for HB1729 on 1/30/2012 8:30:00 AM

Testimony for HUS 1/30/2012 8:30:00 AM HB1729

Conference room: 329
Testifier position: Support
Testifier will be present: Yes
Submitted by: Chris Lethem
Organization: Individual
E-mail: crslethem@gmail.com
Submitted on: 1/30/2012

Comments:

By Requiring that all prior ex parte TRO's be disclosed by the petitioner on the petition, including the approximate date and location of respondent, relationship to respondent and whether the petition was granted. Would provide a better examination of the totality of the circumstances and the history and pattern of ex-parte filings.

Testimony in strong Support of HB1729

Hearing: January 30, 2012

Time 8.30 am

Room 329 State Capital

COMMITTEE ON HUMAN SERVICES

Rep. John M. Mizuno, Chair

Rep. Jo Jordan, Vice Chair

Report Title: Temporary Restraining Orders; Disclosure of Pending Litigation

From: Chris Lethem

Subj: Testimony in **strong *Support of* HB1729**

I would like to offer the following amendments as follows:

1. Define "imminent" as "less than the time required to hold an emergency noticed court hearing on the petition".

Rationale: The issue is an ex parte process should only go forward if there is not enough time to have a noticed hearing to address the allegations.

2. Require that all prior ex parte temporary restraining orders applied for by the petitioner be disclosed on the petition for relief, to include the approximate month and year, state, name of respondent, relationship to respondent and the result.

Rationale: The court requires full information to make appropriate decisions in an ex parte process and understanding any history and pattern of past ex parte TRO applications is relevant to every current application.

3. If the Petitioner fails to disclose any pending litigation or previous petitions that not only should the petitioner pay attorney fees but also any other direct costs associated with defending themselves against the allegations being made against them.

Rationale: Other costs associated with getting rebuttable testimony, missing work to appear in court, copying files and paying for parking are all costs associated with defending allegations of abuse.

Your consideration is appreciated.

Chris Lethem