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Office of the Public Defender
State of Hawaii

Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Public Safety,
Intergovernmental and Military Affairs

February 1, 2018, 1:35 p.m.

S.B. No. 2343: RELATING TO DOMESTIC VIOLENCE

Chair Nishihara and Members of the Committee:

This measure proposes sweeping changes to Chapter 709, Hawaii Revised Statutes. The creation of a petty misdemeanor offense of abuse of a family or household member, a felony offense of abuse involving a minor, immediate incarceration for failure to complete DVI counselling are some of the more notable proposals in this measure.

We believe that this measure constitutes a veiled attempt to deny a defendant his or her constitutional right to a jury trial and proposes changes that will severely impact the Judiciary's ability to administer its caseload, with an unintended consequence being dismissals of cases for unnecessary delay. In as much as we believe that this measure violates established case law and the Hawaii and United States Constitution, the Office of the Public Defender strongly opposes all but one of the provisions of S.B. 2343.

The following is section-by-section commentary on this measure:

Section 2. Post-conviction protective orders. We do not oppose the language proposing an automatic extension of the no-contact and/or stay away order. However, we have concerns about the length of the extension, for a "fixed reasonable period." There should be limit to the length of the extension. What constitutes a "fixed reasonable period?" Without specific limits, the time-period becomes vague, and subject to wide discrepancies in the length of no-contact and/or stay away orders. Furthermore, the court should determine on the record that the victim or witness in the case desires an extension of the no-contact order.

Section 3. Chapter 709, Family Court Jurisdiction. Section 3 would give exclusive jurisdiction to all enumerated cases committed against a family or

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household member. Family court would have exclusive jurisdiction over these cases, even if no there were no attendant charges of abuse of a family or household member. Thirty-two (32) types offenses would be added the exclusive jurisdiction of the family court. This would place a tremendous hardship on the judiciary, as they would be ill-equipped to reallocate district and circuit court judges to sit as family court judges to hear these cases. We suppose that the purpose of this section is to have family court judges, who are experience in handling abuse of family or household member cases, and who have been trained in handling domestic violence cases. Our district and circuit court judges are already handling a multitude of cases which involve family or household members as victims and are experienced in the unique issues that are presented by these cases. For example, an estranged spouse may vandalize their spouse's automobile, and be charged with criminal property damage. These kinds of cases are common and are currently being handled by our judges without difficulty or controversy. Judges receive training regularly throughout the year. Handling domestic violence cases can and should be sufficient to address these concerns.

Section 6. Degrees and penalties (page 22). This portion of the bill would categorize abuse of a family or household member into first, second, and third-degree offenses. We strongly oppose this portion of SB 2343, as it would make it a felony to intentionally or knowingly cause bodily injury to a family or household member who is a minor and create a third-degree abuse offense for what is essentially criminal harassment.

A parent relying on a parental discipline defense which resulted in pain (however brief) would place the parent in jeopardy of a felony conviction, and up to five years in prison. This corrupts the ideas of the model penal code, in that it heightens the penalty specifically due to the status of the victim, and not because of the seriousness of the harm caused. Abuse of a spouse is still a misdemeanor offense and does not become a felony unless it involved choking, or repeated offenses. If there is a more severe injury, such as a broken bone or major laceration, the prosecution can charge the perpetrator with assault in the second degree, a class C felony.

Extension of time for enhanced sentencing involving repeat offenders (page 23). This section would extend the time for treatment as a repeat offender from one year to five years for a second offense, two years to ten years for a third offense and add a one-hundred-and-eighty-day minimum mandatory jail sentence for a third or subsequent offense. There is no evidence that an extension of the time period is justified or needed to protect

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the public, as there is no evidence of a large number of repeat offenders. The court can sentence these repeat offenders to the maximum jail and prison terms, even if they fall out of the current time-period for treatment as a repeat offender. The court, through the prosecutor's office is always made well-aware of the existence of prior convictions of defendants that appear before them.

We propose that subsection (iii) on page 24 of this bill be moved from its current position inserted into section 709-906(5)(a), after page 23, line 2. It is a felony offense and should be classified as abuse of a family or household member in the first degree.

Abuse of a family or household member in the third degree. We strongly oppose the creation of a petty misdemeanor offense of abuse of a family or household member. Physical contact in this case, would not be required. A person involved in a family argument could be charged with abuse and be subject to the prohibition of possession of a firearm, and face the potential loss of employment, if that person is a law enforcement officer or military personnel. Furthermore, we believe this is an attempt to eliminate or deny the right of a defendant his or her constitutional right to a jury trial. The prosecution could choose to amend all cases that they believe would not play well in front of a jury to third degree abuse in an attempt to deny a defendant a forum before a jury.

In the First Circuit, most defendants exercise their right to a jury trial guaranteed to them by Article I, Section 14 of the Constitution of the State of Hawaii, and the Sixth Amendment to the United States Constitution. In Hawaii, a defendant has a constitutional right to a jury trial for "serious crimes." An offense is presumptively petty if the maximum jail is thirty days or less. The only reason the proponents of this measure propose a reduction from a misdemeanor to a petty misdemeanor for a first offense is to deny the right to a jury trial. In the First Circuit, defendants who proceed to jury trial have high acquittal rate. Our attorneys' success rate at jury trial is eighty to ninety percent. One of our attorneys who recently finished a four-month rotation in the family court criminal division had a total of nine jury trials, eight of which resulted in jury acquittals. While there is a presumption that a person charged with a petty misdemeanor is not entitled to a jury trial, we believe that this presumption will be rebutted by the requirement of a mandatory jail sentence, progressive severity of punishment for repeat offenders, the length of probation and mandatory domestic violence intervention classes. If this measure passes, we intend to appeal the denial

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of a right to a jury trial, which will result in hundreds, perhaps thousands of cases being put on hold during the appellate process.

Immediate incarceration for failure to complete DVI or parenting classes (page 25). This provision does not consider common reasons for being unable to complete DVI and/or parenting classes. Probationers have been terminated from classes if they fail to attend a class due to illness or failure to receive permission from their employer. If the classes have been completed, but the probationer cannot pay for the cost of their classes in-full, they will not receive a certificate of completion. This proposal removes all discretion from the court, and we believe, violates the Due Process clause of the Constitution.

No contact order (page 28). While the court can order the defendant not to have any contact with any witness involved in his or her criminal case, we do not believe the court should have jurisdiction to order a witness to stay away from the defendant. In these types of cases, we must be careful to not punish victims, either by charging them with contempt of court, or issuing warrants for their arrest due to their non-appearance in court.

Deferred acceptance of guilty or no contest pleas (page 32). We believe that allowing courts to grant deferrals will have the greatest impact to reducing the backlog of cases on the domestic violence calendar. A clear majority of defendants that appear on the domestic violence calendar are first offenders. They are most remorseful in the beginning stages of the prosecution. If presented with an opportunity to take responsibility for their actions and at the same time be given a chance to clear their record, we believe many defendants will jump at this opportunity. While we achieve great results with cases that we take to jury trial, there is always an uncertainty of acquittal.

To our opponents who believe that this provision runs contrary to public safety, and that these kinds of defendants do not deserve an opportunity to defer their prosecution, we say that this provision does more for public safety than the situation that exists today. Right now, cases are being dismissed for violation of speedy trial, due to court congestion. Cases are being dismissed due to non-cooperative victims. Cases are being dismissed and recharged has harassment in the district court. Defendants are being acquitted by juries at a high rate. The afore-mentioned defendants are not receiving court supervision and domestic violence intervention classes. Defendants taking advantage of deferrals will reduce court congestion,

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reducing the number of speedy trial (Rule 48) dismissals. These defendants will be required to attend DVI classes and be subject to court supervision. With less cases on the trial docket, prosecutors will be able to spend more time and resources on the more serious cases, resulting in a higher conviction rate. If the defendants fail to complete their court-ordered counseling, a conviction for abuse of household member would be entered, also increasing the conviction rate. If some of these defendants' cases are dismissed because of their deferral, wouldn't this be preferable to dismissals without court supervision and/or counseling?

This legislature has continuously recognized the fact that criminal offenses that occur within the family unit deserve special attention. A person convicted of misdemeanor abuse of family or household member faces a mandatory minimum jail term of forty-eight hours and a referral to a domestic violence intervention program. A person convicted of committing a second offense within one year of a prior conviction is deemed a "repeat offender." A third offense is classified as a class C felony. We believe that the current laws are sufficient for public safety, and the number one issue is court congestion. The only portion of this bill that addresses court congestion is the section permitting deferrals for abuse of household or family member.

Apart from the provision allowing for deferrals, the Office of the Public Defender strongly opposes this measure. Thank you for the opportunity to be heard on this matter.

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The Judiciary, State of Hawai'i

Testimony to the Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Thursday, February 1, 2018, 1:35 pm
State Capitol, Conference Room 229

By
Catherine H. Remigio
Senior Judge, Deputy Chief Judge
Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 2343, Relating to Domestic Violence.

Purpose: Amends the offense of abuse of family or household members to provide for felony, misdemeanor, and petty misdemeanor penalties. Expands the family court's jurisdiction over certain enumerated offenses committed against family or household members. Repeals the prohibition on deferred acceptance of guilty or no contest pleas in cases involving abuse of family or household members. Requires that no-contact and stay-away orders issued during the pendency of a criminal case or as a condition of probation be enforced regardless of whether the defendant signed a written acknowledgment of the order, provided that the defendant was informed on the record of the terms and conditions of the order in open court. Requires that no-contact and stay-away orders issued during the pendency of trial cases involving abuse of family or household members or certain enumerated offenses be automatically converted after the defendant's conviction to a new protective order that shall remain in effect for a fixed reasonable period as the court deems appropriate, unless the victim or witness requests otherwise.

Judiciary's Position:

The Judiciary supports the intent of this bill and appreciates the Legislature's efforts in this area. We respectfully offer the following comments.

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Currently, there are two jury courtrooms assigned to the family court in the first circuit. Of the enumerated offenses listed, the Judiciary estimates there were 9242 criminal cases from the 2016-2017 time period. With a *conservative* estimate of 1 in 10 of these pending cases that might involve a family/household member, nearly 1000 cases could be added to the caseload of these two courtrooms in addition to the HRS Chapters 709 and 586 cases already pending. This would require a sizeable infusion of additional resources to Family Court before this bill can be implemented.

This bill will also require increased funding for more domestic violence intervention programs and more parenting programs. Without additional funding (over and above the budget items in the Judiciary's proposed budget), Defendants will not be able to access required services in a timely manner. The Department of Public Safety will also require more funds to augment their domestic violence intervention and parenting programs for those offenders sentenced to imprisonment.

Thank you for the opportunity to testify on this measure. The Judiciary looks forward to working with the Legislature as this bill progresses.

TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018

LATE

ON THE FOLLOWING MEASURE:
S.B. NO. 2343, RELATING TO DOMESTIC VIOLENCE.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

DATE: Thursday, February 1, 2018 **TIME:** 1:35 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Russell A. Suzuki, First Deputy Attorney General, or
Michelle Puu, Deputy Attorney General

Chair Nishihara and Members of the Committee:

The Department of the Attorney General supports the intent of this bill while noting the following legal concerns:

Section 2 of the bill proposes the automatic issuance of a protective order post-conviction. See section 2, pages 4 to 5, lines 17 to 10. First, this proposition violates constitutional principles of Due Process insofar as the defendant would not be afforded the ability to challenge institution of the order. Second, the duration period is unconstitutionally vague as it fails to identify any parameters on time frame. Third, the presiding judge and representing parties may be disqualified from a subsequent proceeding should the defendant be charged with violating this order; thereby frustrating the judicial process. These same concerns also apply to section 5 of this bill, which seeks to revise section 706-624(2)(g)(ii), Hawaii Revised Statutes. See page 14, lines 9 to 21. Instead, perhaps the conviction could constitute prima facie grounds for the institution of a pending application for an order for protection before the family court. In that action, the victim would be alleviated from having to re-litigate the grounds for the order while the defendant would be afforded the opportunity to be heard on the issue.

Section 3 of the bill proposes a list of enumerated offenses to fall within the family court's exclusive jurisdiction. The preamble cites statistics and supervision as the motivations behind this revision. A circuit or family court could appropriately accomplish

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these responsibilities. The probation section in part II of chapter 706, HRS, could be revised to include requirements for domestic violence intervention and proof of compliance hearings. Moreover, each domestic violence case could be flagged by the department prosecuting the case for statistical reference purposes. Jurisdictional constraints unnecessarily complicate criminal prosecutions. Convictions have been vacated when they were obtained with the incorrect jurisdiction designation.

Section 6 of the bill proposes several amendments to section 709-906, HRS:

Pages 22 to 24 propose revisions to the penalty section for this offense. First, this bill seeks to enlarge the penalty for conduct committed against a minor from a misdemeanor to a class C felony. The legal definition for "physical abuse" essentially means "pain." See State v. Nomura, 79 Hawaii 413 (1996), and section 707-700, HRS. This means a parent who causes pain to his/her minor child may be lodged with a felony conviction. Second, the proposed petty misdemeanor offense essentially tracks the language for Harassment in section 711-1106(1)(a), HRS. By law, Harassment is not a lesser-included offense of Assault in the Third Degree. Likewise, this petty misdemeanor abuse charge would not be a lesser-included offense of misdemeanor abuse. Therefore, this would not be an available option for juries and judges to consider. Accordingly, this revision would not provide a practical option for charging or conviction purposes.

Pages 24 to 25 seek to impose mandatory incarceration for defendants who fail to complete their court-ordered domestic violence intervention and parenting classes. A defendant should be afforded reasonable due process before imposition of these consequences.

Page 28 seeks to create a mandatory no-contact order between the defendant and complaining witness. Such orders are not, and should not be, sought without the approval of the complaining witness. Also, this provision would be even more problematic in offenses involving minors.

Section 8 of the bill seeks to amend section 853-4, HRS, which governs deferred pleas. Section 853-4(13)(N), HRS, would need to be repealed to accomplish the intended purpose of allowing deferred pleas in these cases. Finally, if it is the

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Legislature's intent to permit only one such deferred plea, wording should be included to set that out explicitly.

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DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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KEITH M. KANESHIRO
PROSECUTING ATTORNEY

CHASID M. SAPOLU
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawai`i

February 1, 2018

RE: S.B. 2343; RELATING TO DOMESTIC VIOLENCE.

Chair Nishihara, Vice-Chair Wakai and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony, supporting the intent of S.B. 2343, with certain concerns and suggestions.

The Department strongly agrees that significant changes are needed to our Family Court system, in order to seek justice on behalf of Hawaii' victims of domestic violence, protect public safety, and decrease the number of case dismissals that are occurring in the First Circuit. To further this goal, the Department has previously submitted legislative bills that would increase the number of judges and courtrooms available for domestic violence jury trials [S.B. 2949 (2012); HB 2351 (2012)], and supported similar bills that were later introduced by the Judiciary; unfortunately, none of those bills resulted in more domestic violence jury trial courtrooms or judges. This year, the Department submitted a bill that would exclude trial delays attributed to "court congestion," from the limited time that the State is permitted to bring a case to trial [S.B. 2175; H.B. 1772].

In-line with our efforts to make the system more streamlined and effective at processing domestic violence cases, the purpose of S.B. 2343 is to:

- Section 2 & 5 – Automatically convert no-contact or stay away orders to orders for protection, upon conviction;
- Section 3 - Enumerate additional offenses to be included under Family Court's jurisdiction, if committed against a family or household member;
- Section 4 – Prohibit Family Court from waiving jurisdiction over the offense of Abuse of a family or household member, or the other enumerated additional offenses from Section 3;
- Section 5 & 7 – Require enforcement of no-contact and stay away orders, if defendant was informed of the terms of the order in open court;

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- Section 6 – Expand the definition of "family or household member" to include current and former dating relationship; establish 3 different penalty-levels for Abuse of Family or Household Member (1st/2nd/3rd degree) with various mandatory sentencing provisions, including domestic violence intervention and/or parenting classes; require maximum incarceration if offenders are non-compliant with mandatory classes or any other conditions of sentencing;
- Section 8 – Allow deferred pleas for the offense of abuse of family or household member.

Section 3 (pp. 5-8):
If the Legislature is inclined to include numerous other offenses under Family Court jurisdiction—when committed against a family or household member—it would seem to be more efficient, and involve less risk of missing any future offenses enacted, to simply state, "any offense contained under Chapter 707 or 708, except..." Thus, this would encompass certain offenses that are not currently enumerated on the list, such as Sections 707-713 and -714 (reckless endangering), while avoiding certain offenses that do not appear to be applicable, such as Section 708-814.5 (criminal trespass onto public parks and recreational grounds), or Section 708-816.5 (entry upon the premises of a shelter).

Section 4 (p. 9, lines 17-21):
The Department is concerned that providing exclusive jurisdiction to Family Court (over Abuse of a family or household member, and the offenses enumerated in Section 3)—with no option to waive jurisdiction—may lead to even more court congestion and case dismissals in Family Court (First Circuit), if the Judiciary is unable to reorganize its system to accommodate the new caseload.

Section 6
In general, the Department is supportive of dividing the offense of Abuse of a family or household member into 3 different penalty levels. While this is unlikely to address the First Circuit's ongoing challenges with court congestion and case dismissals, it may improve public awareness about the dynamics of domestic violence. Still, to be more consistent with the "domestic violence continuum," we suggest that the Committee expand the offense of Abuse of family or household member in the third degree (p. 24, lines 13-19), to reflect all types of "harassment" found in Section 711-1106, as domestic violence often begins with non-physical forms of degradation, intimidation and control.

(p. 19, lines 5-6; and p. 20, lines 1-2): Using the phrase, "presents an imminent danger of inflicting abuse" (or something similar)—in place of "created an imminent danger"—would be more appropriate, if the purpose is to identify the abuser rather than to identify the initial causation.

(p. 20, line 7): It would be appropriate to clarify that electronic communications are also prohibited, in addition to telephone and in-person communications.

(p. 22, line 19 – p. 23, line 2): It is unclear whether all affected minors must be under 14 years of age, or only the minors who are "in the presence of" bodily injury against a family or household member. If the latter, no change is needed; if the former, a comma should be added to page 23, line 1, after "presence of a minor". In addition, the creation of a class C felony for the abuse of a minor may require additional appropriations to the Department, to handle the increased felony caseload.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supporting the intent of S.B. 2343, with the noted concerns and suggestions. Thank you for the opportunity to testify on this matter.

SB-2343
Submitted on: 2/1/2018 2:10:14 PM
Testimony for PSM on 2/1/2018 1:35:00 PM

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Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments:

COURT WATCH GOALS AND OBJECTIVES

The goals of the Court Watch Project are to encourage everyone who works within the justice system of the District of Columbia to identify ways of increasing survivor safety and offender accountability, and to improve the experience of accessing judicial relief. To this end, the Project provides objective data; acknowledges exemplary actions by judges and court personnel; identifies patterns within the judicial system that may be helpful or harmful to survivors of abuse and their children; assists in the creation of a dialogue between the Court and the public regarding how courts handle domestic violence; and proposes practical solutions to improve and standardize Court responses in domestic violence cases. Although the report is sometimes critical of judicial behavior, Court Watch also recognizes the vast amount of good work done within the Domestic Violence Unit and does not seek to restrict judicial independence or neutrality.

THE STATE OF DOMESTIC VIOLENCE: SOME STATISTICS

Domestic violence occurs at an alarming rate worldwide, around the country, and in the District of Columbia. One third of all women in the world report having been sexually or physically assaulted by an intimate partner at some point in their lives.[i] Nationally, approximately four million women are assaulted each year by a spouse, boyfriend, or other intimate partner. This results in the deaths of approximately 1,200 women and 400 men each year at the hands of an intimate partner.[ii] In fact, domestic violence is the leading cause of death for women in the workplace,[iii] and the leading cause of death for pregnant women.[iv] The social, economic, and intergenerational impact of domestic violence is also enormous. While domestic violence occurs across all socioeconomic groups, it is a leading cause of poverty and homelessness among women and children. Twenty percent of all abused women report that they directly lost their job because of harassment or assault on the job by their abuser. Fifty percent of all homeless women and children in the United States lost their housing because of domestic violence.[v] The impact on children is staggering. Fifty percent of all batterers also physically abuse the children in the household.[vi] Children who witness domestic violence are at high risk for juvenile delinquency, suicide (six times more likely than other children), and ultimately of becoming batterers themselves as teens and adults.[vii]

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I've been thrilled with the experience — I think it's taught the students a lot about how law really works for ordinary people, which is so important for them to understand.

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Community Support Court Watch Form

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Describe below the events of the hearing and the courts orders: continue on back of form if needed

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My name is Katherine Aikau and my son, Reef Aikau, was murdered by my husband on June 13, 2017 in Honolulu.

On Oct. 23, 2016 my husband who was addicted to ice (which I did not know) destroyed all of our belongings and our house and physically abused me. The police officers that came stated I should not press charges and I should not file a protective order (I believe because my husband's family is famous in Hawaii). Later, my friend came to the house (she was a domestic violence advocate for the military) and she stated I must press charges and I must file for a protective order. The police returned and I did press charges and the police officers took pictures of my injuries. I also filed for the protective order but I did not understand the "system."

We must have one judge, one court, one order that includes the criminal case of domestic abuse. All violent domestic abuse cases need to be heard in the family court and decisions need to be made by a judge immediately regarding protective orders and sole custody should be automatic. Urgency in deciding cases must occur to protect victims especially when children are involved as this is the number one goal!!! I am shaking as I type this because the delays and non-action by the court (both family and criminal) are what killed my son. If I was given sole custody immediately with no visitation by the "abuser" (my very violent abusive ice addicted husband) Reef would still be alive. The torture of the court system to myself and my son was unbelievable and excruciating. The courts postponed motion after motion, case hearing after case hearing including a sole custody request with no visitation because my husband was clearly dangerous. This is unexplainable and then for the court to order visitation until our divorce was final is horrific in retrospect. I was naïve but the court should err on the side of caution to protect the children and victims of domestic abuse (in this case me). The family and criminal court were inexcusable in their inability to make a decision to protect us.

Furthermore, the Public Defender in the criminal abuse case was allowed to postpone the case over and over and to call Reef, age seven, into criminal court only to state that Reef was not present during the abuse. I don't understand this because if Reef was present it would be a felony so it was never a question of whether my son was present. Why were my violent drug addicted husband and the Public Defender allowed to torture Reef and me over and over and postpone and postpone the criminal case so that eventually the witness with a video stopped attending the court hearings?

Child Protective Services was a complete joke. They investigated me and sent me to immediate drug testing. They did not send my abuser husband to immediate drug testing and instead let him go when it was convenient for him. I was a commercial pilot and drug tested annually with no history of drug abuse, no criminal history, etc. Yet CPS treated me as the abuser. I think CPS needs to be investigated for harrassment of domestic abuse victims.

My husband had two prior protective orders from other women against him. He had a current DUI case. He violated the protective order every day and twice he went to jail for this - I only called police twice because it didn't make a difference. He was involved in a case for a violent fight with his brother in 2014 and my violent husband admitted in court he was addicted to ice and went to a 30 day rehab center. The court should have immediately placed Reef with me with no visitation. If so REEF would be ALIVE!

I live in hell everyday without my precious son, REEF AIKAU, because of a SYSTEM that failed to protect us at every turn. My eyes are full of tears writing this and my eyes will be full of tears for the rest of my life without my son, REEF AIKAU, who did not deserve this! He deserved to be protected by a system when I could not protect myself. One Judge, One Court, One Order put into action immediately upon an occurance of violent domestic abuse with sole custody of children and no visitation by the abuser until the court deems it safe!

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SB-2343
Submitted on: 2/1/2018 10:01:36 AM
Testimony for PSM on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bethany Compton	Kauai Domestic Violence Prevention Task Force	Support	No

Comments:

Dear Legislature,

On behalf of the Kauai Domestic Violence Prevention Task Force- we are in support of SB2343. We campaign on Kauai to keep our children and families safe. Our motto is Who Can? You Can Stop Domestic Violence!'

Please take into consideration that our keiki is our future and we must try our best to protect and end the chain of violence! I humbly request that you continue this bill to the next session.

Kind Regards,

Bethany Compton

Coordinator of the Kauai Domestic Violence Prevention Task Force

Board of Director for the YWCA of Kauai

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Representative Brian T. Taniguchi, Chair
Representative Clarence K. Nishihara, Chair
Representative Karl Rhoads, Vice Chair
Representative Glenn Wakai, Vice Chair
Committee on Judiciary and Public Safety, Intergovernmental, and Military Affairs

Nichole Fian

Thursday, February 1, 2018

Support for S.B. 2343, Relating to Domestic Violence

Aloha,

I am an MSW student from University of Hawaii Myron B. Thompson School of Social Work. I am currently doing my internship for families for intimate partners that both are currently experiencing domestic violence or have experienced domestic violence within their relationships. At this time, I am unable to disclose the specific program. My one comment is to refer “victims” as “survivors”. Nevertheless, I strongly support S.B. 2343, Relating to Domestic Violence because during my time with this program; survivors have had to go above and beyond in protecting their safety because protective orders or stay-away orders are not vigorously enforced. There have also been survivors that come fourth about protective orders being too short and expire soon, as a result, offenders tend to reoffend.

As a community, we must value the dignity and worth of a person. Individuals who are experiencing domestic violence within their relationships or have experienced, deserve better accountability. Thank you for this opportunity to testify.

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SB-2343
Submitted on: 2/1/2018 1:24:42 PM
Testimony for PSM on 2/1/2018 1:35:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ray Oda		Support	No

Comments: