



**LATE**

*The Judiciary, State of Hawai‘i*

**Testimony to the Senate Committee on Judiciary**

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Tuesday, June 23, 2020 at 10:00 a.m.

State Capitol, Conference Room 016

by

Christine E. Kuriyama

Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 2060, H.D.1, Relating to Domestic Violence.

**Purpose:** Provides that Family Courts may withhold from public inspection any record of a denied temporary restraining order or denied protective order; provided that these records shall remain accessible to law enforcement without a court order. Takes effect on 7/1/2050. (HD1)

**Judiciary's Position:**

The Judiciary takes no position on this bill as this is a matter of policy. The Judiciary offers the following comments and observations. With regard to the request to withhold from the public a denied temporary restraining order (TRO) petition record, hearings are not required by the statute. If the ex parte TRO petition is denied, the denied petition is filed. This is the end of the case; no other hearings are held.

Thank you for the opportunity to provide testimony on this measure.



To: Chair Rhoads  
Vice Chair Keohokalole  
Fr: Nanci Kreidman, MA,  
CEO, Domestic Violence Action Center  
Re: HB 2060 HD1; Support

Aloha. And thank you for placing this Bill on your agenda for consideration. We offer testimony to support this initiative which represents a positive change that would impact many survivors and island families. This Bill creates a response to tactics used to harm victims that we believe is worth considering.

It is an identifiable trend for abusers to fabricate and file petitions for restraining orders as an act of retaliation; it may also be a way of continuing efforts to assert power in a relationship that is ending or is over.

These acts by abusers become part of the public record. And the information is accessible to employers and landlords. The presence of the record creates barriers for survivors that interfere with their capacity to live independently and become financially stable.

Even though the survivor did not create the problems, landlords and employers do not look kindly on a victim applicant to a job or a home.

If there is no merit to the allegations, and the protection order is not granted, after an Order to Show Cause hearing where both parties are

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present, and where witnesses and evidence are presented, it would be a tremendous boon to a victim's journey to have the retaliatory behavior invisible.

This Bill will permit the Court to withhold the records from public inspection. The exception would be for law enforcement, in the event other incidents, problems or need arises.

We shall look forward to your favorable action on HB 2060 HD1.  
Thank you.

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Senate Committee on Judiciary  
Honorable Karl Rhoads, Chair  
Honorable Jarrett Keohokalole, Vice Chair

**RE: Testimony Commenting on H.B. 2060 H.D. 1, Relating to Domestic Abuse**  
Hearing: June 23, 2020 at 10:00 a.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote government transparency. Thank you for the opportunity to submit comments on H.B. 2060 H.D. 1.

This bill opens the door to denying all public access to judicial records concerning the adjudication of domestic abuse TROs and protective orders when those orders are denied – irrespective of the reason for denial or other circumstances. The proposal raises constitutional concerns under the First Amendment right of public access to judicial records. *E.g., Globe Newspaper Co. v. Superior Ct.*, 457 U.S. 596, 607-10 (1982) (striking down state statute that barred public access to all court testimony by minor victims of sex crimes because it failed to consider individualized circumstances on a case-by-case basis).

From the preamble, it appears that the intent of the bill focuses on discrimination against domestic abuse victims in housing and employment. **We would ask that the Committee consider addressing such concerns directly in the relevant discrimination statutes.** Hiding court records is not the solution.

Thank you again for the opportunity to provide comments on H.B. 2060 H.D. 1.

**HB-2060-HD-1**

Submitted on: 6/22/2020 8:11:33 AM

Testimony for JDC on 6/23/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Younghi Overly	Testifying for AAUW of Hawaii	Support	No

Comments:

**HB-2060-HD-1**

Submitted on: 6/21/2020 6:54:15 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
nanci kreidman	Individual	Support	No

Comments:

Aloha,

this is important legislation in support of survivors who are manipulated with abuse of the system used against them as retaliation.

thank you for your favorable action on HB 2060 HD1SB1.

**LATE**

**HB-2060-HD-1**

Submitted on: 6/22/2020 3:44:00 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
aimee chung	Individual	Support	No

Comments:

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**HB-2060-HD-1**

Submitted on: 6/22/2020 4:42:06 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rainbow	Individual	Oppose	No

Comments:

RAINBOW FAMILY 808 strongly oppose this measure, HB2060 HD1 that prevents transparency and the systematic mode for creating a history and trend of abuse and domestic violence. The history is hidden from future violations of person that is needed for the protection of person and family relationships.

Thank you for the opportunity to declare our strong opposition to hiding the cases of abuse. The records' documentation is necessary for the transparency of the safety of the person or persons.

Mahalo,

Carolyn Martinez Golojuch, MSW

Rainbow Family 808 - President



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**HB-2060-HD-1**

Submitted on: 6/22/2020 6:03:56 PM

Testimony for JDC on 6/23/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shawn Benton	Individual	Support	No

Comments:

I am currently a member of the Board of Directors for the Domestic Violence Action Center and support HB2060 HD1 Relating to Domestic Abuse, allowing the family court judges to withhold from public inspection any record of a denied TRO or protective order. Thank you for your support of HB2060 HD1.

**HB-2060-HD-1**

Submitted on: 3/13/2020 2:42:55 PM

Testimony for JDC on 3/18/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Field	Testifying for Hawaii Women's Coalition	Support	No

Comments:

**HB-2060-HD-1**

Submitted on: 3/13/2020 2:51:11 PM

Testimony for JDC on 3/18/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laurie Field	Testifying for Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

**HB-2060-HD-1**

Submitted on: 3/14/2020 10:03:35 AM

Testimony for JDC on 3/18/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
MARSHA H BOLSON	Individual	Support	No

Comments:

**HB-2060-HD-1**

Submitted on: 3/14/2020 6:14:03 PM

Testimony for JDC on 3/18/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joan Ramona M Cuyno	Individual	Support	No

Comments:

**HB-2060-HD-1**

Submitted on: 3/15/2020 4:18:10 PM

Testimony for JDC on 3/18/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Powell Berger	Individual	Support	No

Comments:

Chair Rhoads, Vice Chair Keohokalole,

As a survivor of domestic violence, I strongly support this bill. The challenges facing DV families are many, and this measure takes positive steps to untangle a retaliatory tactic that further dangers those being abused, as well as the children usually caught up in the mess.

When survivors take the brave steps to get out of the abusive relationship, they are at their most vulnerable and greatest risk. Advancing this bill, and other measures that further protect families, makes us a stronger and better community.

Please pass the bill so that our island families can find safety.

Mahalo.

**HB-2060-HD-1**

Submitted on: 3/16/2020 6:37:47 AM

Testimony for JDC on 3/18/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Rhoads and Members on the Committee of Judiciary,

I am writing in support of HB2060.

Because domestic violence and domestic abuse are extremely difficult and hard on the family, it is important that the family courts protect the survivors of domestic abuse by not making denied temporary restraining orders and/or denied protective orders available to the public and only to law enforcement without a court order. The abuser, in retaliation to their victim, may file unnecessary temporary restraining orders and protective orders in order to create a record against the victim. This record may make it difficult for the victim to get a job when their future employer does a background check. This creates another obstacle for the victim and the children to leave the abuser.

Please support this bill.

Mahalo,

Caroline Kunitake

**HB-2060-HD-1**

Submitted on: 3/17/2020 9:07:56 PM

Testimony for JDC on 3/18/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patricia M. Loui	Individual	Support	No

Comments: