

MAR 10 2022

SENATE RESOLUTION

REQUESTING THE JUDICIARY TO PERMANENTLY PROVIDE AN OPTION
ALLOWING PETITIONERS OF TEMPORARY RESTRAINING ORDERS TO
REMOTELY TESTIFY FOR THOSE HEARINGS.

1 WHEREAS, since the onset of the coronavirus disease 2019
2 (COVID-19) pandemic, there has been an increase in gender-based
3 violence against women in Hawaii, especially through domestic
4 and intimate partner violence; and

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6 WHEREAS, the Domestic Violence Action Center's Helpline
7 reported a forty-six percent increase in calls to report cases
8 of domestic and intimate partner violence from late March to
9 early October 2022; and

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11 WHEREAS, due to the adversarial nature of the legal system,
12 petitioners of temporary restraining orders (TROs) must face
13 their alleged abusers in court before their TRO requests could
14 be granted, which can lead to retraumatization; and

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16 WHEREAS, a 2020 study by the University of Arizona found
17 that eighty-one percent of legal advocates indicated that many,
18 most, or all of their clients identified the behaviors of the
19 alleged abusers or abusers' associates in court as a source of
20 retraumatization; and

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22 WHEREAS, adopting a victim-centered approach and giving
23 petitioners of TROs the option to testify without being in the
24 same physical space as their alleged abusers provides a safe
25 space for domestic and intimate partner violence survivors
26 within the adversarial court system; and

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28 WHEREAS, allowing petitioners of TROs to remotely testify
29 for those hearings would not only encourage domestic and
30 intimate partner violence survivors to obtain a temporary
31 restraining order against their abusers without fear of
32 retaliation, but also prevent the infliction of further trauma
33 on the petitioner while preserving the defendant's
34 constitutional right to confront adverse witnesses during a
35 hearing for a TRO; and



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WHEREAS, as a result of the COVID-19 pandemic, the Judiciary has increased the use of remote technology, including telephonic or video conferencing technology, to conduct court proceedings; now, therefore,

BE IT RESOLVED by the Senate of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2022, that the Judiciary is requested to permanently provide an option allowing petitioners of temporary restraining orders to remotely testify for those hearings; and

BE IT FURTHER RESOLVED that the Judiciary is requested to establish parameters to allow remote testimony for petitioners of TROs where certain conditions are present, such as domestic violence, intimate partner violence, or where petitioners are diagnosed with post-traumatic stress disorder; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the Chief Justice of the Hawaii Supreme Court.

OFFERED BY: *Penelope J. Masaluch*

