



The Judiciary, State of Hawai'i

Testimony to the Thirty-Second State Legislature, 2024 Regular Session

House Committee on Finance

Representative Rep. Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair

Tuesday, February 27, 2024 at 12:00 p.m.
State Capitol, Conference Room 308 & Videoconference

by:

Matthew J. Viola

Senior Judge, Family Court of the First Circuit

Bill No. and Title: House Bill No. 2657, H.D. 1– Relating to Abusive Litigation

Purpose: Establishes judicial procedures to prevent and remedy abusive litigation. Effective 1/1/3000.

Judiciary's Position:

The Judiciary appreciates the adoption by the House Committee on Judiciary & Hawaiian Affairs of all recommendations made by the Judiciary in its testimony of February 13, 2024. We have appended those recommendations for this Committee's convenience.

We respectfully submit an additional recommendation for this Committee's consideration.

"Abusive litigation," as defined at page 4 from line 5, includes: "(2) The party who is filing, initiating, advancing, or continuing the litigation **has been found by a court to have committed intimate partner violence** against the other party," The rest of that sub-section lists the relevant kinds of cases. We emphasize the bolded language in the first sentence because the list includes situations where a court has **not** made the required finding.

We offer these recommended changes so that the list will include just those cases where the court has made the required finding:



(2) The party who is filing, initiating, advancing, or continuing the litigation has been found by a court to have committed intimate partner violence against the other party, including by a temporary restraining order or order for protection that the court found was necessary due to domestic violence or the parties had agreed to an order for protection in a case of domestic violence and to the facts of that order, pursuant to:

(A) An order or decree issued pursuant to section 571-46 or 580-74;

(B) An order for protection issued pursuant to section 586—3;

(C) A temporary restraining order issued pursuant to section 586—4;

(D) A protective order issued pursuant to section 586—5.5;

(E) A foreign protective order credited pursuant to section 586—21;

(F) A no contact order issued pursuant to section 709—906(4);

(G) A criminal conviction or a plea of no contest [~~contendere~~], in this State or any other jurisdiction for any of the crimes identified in section 709-906, 711—1106.4, or 711—1106.5; or a filing for any offense related to domestic violence;

~~[(H) A pending criminal charge, in this State or any other jurisdiction, of domestic violence, as a result of which a court has imposed criminal conditions of release pertaining to the safety of the victim; or~~

~~(I) A signed affidavit from a domestic violence or sexual assault agency that assists victims of domestic violence and sexual assault;]~~

The additional language is required because the parties can agree to an order without agreeing to the facts of the case. The deleted language reflects those cases in which a court has made no findings. There are no dispositive factual findings in a “pending criminal charge” and the resulting conditions of release are in effect only while the charge is pending. An affidavit from a third party would be insufficient for the court to base findings of abuse.

Lastly, in order to accommodate the filings and the hearings provided for in this bill, the Judiciary must make certain operational changes. These will include changes to the Judiciary



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Electronic Filing and Service System (JEFS) and Judiciary Information Management System (JIMS). In addition, it will take some time to develop the required forms. To allow us sufficient time to address these operational issues, we respectfully request an effective date of January 1, 2025.

Thank you for the opportunity to testify on this matter.



ADDENDUM TO TESTIMONY FROM THE JUDICIARY TO THE
COMMITTEE ON FINANCE

Judiciary Recommendations adopted by JHA:

Recommendation #1 (page 3 from line 7):

§ -2 Definitions. As used in this chapter:

"Intimate partner" means:

- (1) Current or former spouses or reciprocal beneficiaries;
- (2) Persons who have a child in common regardless of whether they have been married or have lived together at any time [~~unless the child was conceived through sexual assault~~]; or
- (3) Persons who have or have had a dating relationship [~~where both persons are at least thirteen years of age or older.~~];
- (4) The term "intimate" has no romantic connotations.

Reasons: Sexual assault is an unfortunate occurrence domestic violence and it is not limited to strangers. Carving out an exception based on sexual assault is not necessary and will have the unintended consequence of excluding persons who would otherwise "fit" the population this bill seeks to protect. Similarly, limiting dating relationships to those thirteen years or older is not necessary and will exclude persons who would otherwise "fit" the population this bill seeks to protect. The new sub-section (4) makes it clear that abuse is not limited to those with romantic relationships.

Recommendation #2 (page 3, lines 17-18):

"Litigation" [~~has the same meaning as defined in section 634J-1.~~] means any civil action or proceeding, commenced, maintained, or pending in any state or federal court of record.

Reason: The suggested language is taken from section 634J-1. It is clearer to include the language and there does not appear to be any reason to refer to 634J, even though it is a statute with similar purposes ("Vexatious Litigants").

Recommendation #3 (page 4, from line 1):

§ -3 Abusive litigation; defined.

(a) Abusive litigation occurs where the following apply:

- (1) The opposing parties have a current or former intimate partner relationship or have filed on behalf of a minor or incapacitated person who has a current or former intimate partner relationship;



Reason: A significant number of cases are filed on behalf of minors and incapacitated persons including allegations of dating abuse and elder abuse.

Recommendation #4 (page 4, from line 5):

(2) The party who is filing, initiating, advancing, or continuing the litigation has been found by a court to have committed domestic violence against the other party including by a temporary restraining order or order for protection that the court found was necessary due to domestic violence or ~~has~~ the parties had agreed to an order for protection in a case of domestic abuse;

Reason: We believe this change corrects a typographical error.

Recommendation #5 (page 5, from line 10):

(b) Litigation is harassing, intimidating, or maintaining contact with the other party when the litigation is filed with the intent or is primarily designed to, among other actions:

(1) Exhaust, deplete, impair, or adversely impact the other party's financial resources ~~[unless punitive damages are requested and appropriate or a change in the circumstances of the parties provides a good faith basis to seek a change to a financial award, support, or distribution of resources];~~

Reason: The deleted phrase may be confusing and it is not necessary. The factual allegations would be incorporated in the petition or motion.

Recommendation #6 (page 5, from line 19, to page 6, line 3):

(2) Prevent or interfere with the ability of the other party to raise a child or children for whom the other party has sole or joint legal custody ~~[in the manner the other party deems appropriate unless the party filing the litigation has a lawful right to interfere and a good faith basis for doing so];~~

Reasons: The deleted language “in the manner the other party deems appropriate” is redundant and not necessary. There’s no need to require proof of what the other party deems “appropriate.” The crux of problem in the prevention or interference with parenting. Similarly,



the phrase “unless the party filing the litigation has a lawful right to interfere” is unnecessary. If a party has no standing or no legal connection with the child, the problem is much more fundamental than being “abusive.” The phrase “a good faith basis for doing so” is a determination to be made by the court as a basic finding throughout this bill.

Recommendation #7 (page 6, from line 10):

(4) Force, coerce, or attempt to force or coerce the other party to alter, engage in, or refrain from engaging in conduct when the conduct is lawful [~~and is conduct in which the other party has the right to engage~~];

Reason: The deleted language is redundant and not necessary.

Recommendation #8 (page 6, from line 16):

(6) Prevent, interfere, or adversely impact the ability of the other party to pursue or maintain a livelihood or lifestyle at the same or better standard as the other party enjoyed prior to the filing of the action [~~primarily for the purpose of harassing or maliciously injuring the civil action defendant~~];

Reason: The deleted language is redundant and not necessary.

Recommendation #9 (page 7, from line 8):

(8) Impair, diminish, or tarnish the other party's reputation in the community or alienate the other party's friends, colleagues, attorneys, or professional associates by, including but not limited to, subjecting parties without knowledge of or not reasonably relevant to the litigation to unreasonably or unnecessarily complex, lengthy, or intrusive interrogatories or depositions.

Reason: The added language recognizes that there are many ways to cause reputational damage (e.g., dissemination of AI generated false compromising images).

Recommendation #10 (page 9, from line 9):

§ -6 Presumptions. At the hearing conducted pursuant to this chapter, evidence of any of the following creates a rebuttable presumption that litigation is being initiated, advanced, or continued primarily for the purpose of harassing,



intimidating, or maintaining contact with the other party:

(1) ~~[The same or substantially similar issues between the same or substantially similar parties were litigated within the past five years in the same court or any other court of competent jurisdiction;]~~

Proffered legal claims are not based on existing law or by a reasonable argument for the extension, modification, or reversal of existing law, or the establishment of new law;

(2) ~~The same or substantially similar issues between the same or substantially similar parties have been raised, pled, or alleged in the past five years and were dismissed on the merits or with prejudice;~~

Allegations and other factual contentions are made without adequate evidentiary support or are unlikely to have evidentiary support after a reasonable opportunity for further investigation;

(3) An issue or issues that are the basis of the litigation have previously been filed in one or more other courts or jurisdictions and the actions have been litigated and disposed of unfavorably to the party filing, initiating, advancing, or continuing the litigation;

(~~3~~) 4) Within the last ten years, the party allegedly engaging in abusive litigation has been sanctioned by a court of law for filing one or more cases, petitions, motions, or other filings, that were found to have been frivolous, vexatious, intransigent, or brought in bad faith involving the same opposing party; or

(~~4~~) 5) A court of record in another judicial ~~[district]~~ circuit or jurisdiction has determined that the party allegedly engaging in abusive litigation has previously engaged in abusive litigation or similar conduct and has been subject to a court order imposing pre-filing restrictions.

Reasons: The new language recommended for sub-sections (1), (2), and (3), are found in SB 2604, page 11, from line 16. We suggest this language because it more clearly delineates unsubstantiated legal issues, unsubstantiated factual allegations, and previous litigations. The



change recommended in the new sub-section (5) makes a clearer distinction between the various judicial circuits of this state (we do not have judicial “districts”) and other jurisdictions.

Recommendation #11 (page 11, from line 11):

(3) Identify the party protected by the order restricting abusive litigation and impose pre-filing restrictions upon the party found to have engaged in abusive litigation for a period of [~~not less than forty-eight months and~~] not more than seventy-two months. The time period can be extended beyond the maximum if the party found to have engaged in abusive litigation, since the effective date of the order, has engaged in further abusive litigation and/or caused further abuse as defined by H.R.S. 586-1, including, "Coercive control", "Domestic abuse", "Extreme psychological abuse", and "Malicious property damage."

Reasons: While statutes cannot allow court orders of unlimited time periods, setting a minimum time period does not appear to be necessary. Therefore, the protected party should be able to ask for an order under 4 years of duration and a court should be able to make such an order if warranted by its findings. A maximum time period of 6 years is reasonable but the protected party should be able to seek an extension in the event that the original order has not deterred continuing abuses.

Recommendation #12 (page 12, from line 4):

§ -8 Filing of new case or motion by person subject to an order restricting abusive litigation.
(a) A person subject to an order restricting abusive litigation who wishes to initiate a new case or file a motion in an existing case during the time the person is under filing restrictions shall first file an application or motion [~~appear~~] before the court that imposed the order restricting abusive litigation to make a request to file. The court may examine witnesses, court records, and any other available evidence to determine if the proposed litigation is abusive litigation or if there are reasonable and legitimate grounds upon which the litigation is based.

Reason: The added language simply clarifies that a filing is needed rather than an appearance.

Recommendation #13 (page 12, lines 15 to 19):



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(b) Based on reviewing the records as well as any evidence submitted as sworn statements from the person who is subject to the order restricting abusive litigation, if the court determines the proposed litigation is abusive litigation, then it is not necessary for the person protected by the order to appear or participate in any way.

Reason: The added language provides specific parameters for the type of “evidence” that should be presented to the court at this stage of proceedings.

Recommendation #14 (page 16, lines 7 to 9):

SECTION 3. By ~~September 1, 2024~~, January 1, 2025, the courts shall create new forms for the motion for order restricting abusive litigation and develop relevant instructions.

Reason: Based on our experience, developing appropriate forms and clear and specific instructions for the motion may take more time than the bill currently allows.



Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: House Committee on Finance
Re: **HB 2657 HD1 – Relating to Abusive Litigation**
Hawai'i State Capitol & Via Videoconference
February 27, 2024, 12:00 PM

Dear Chair Yamashita, Vice Chair Kitagawa, and Committee Members,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in **SUPPORT of HB 2657 HD1**. This bill establishes judicial procedures to prevent and remedy abusive litigation.

The intention of this bill is to stop abusive and controlling litigation -- where an abuser will take a person, their friends and family to court over and over again, in order to control, harass, intimidate, coerce, and impoverish the survivor.

Domestic violence survivors with children are particularly susceptible to this practice, as abusive litigation often occurs in child custody cases when former partners have children together. Not surprisingly, abusive litigation re-victimizes and re-traumatizes survivors and their children.

This bill would give the courts options to recognize and respond to controlling abusive litigation for domestic violence survivors. If found to be an abusive litigant, the courts would be able to order financial compensation to survivors for the costs of abusive litigation, including court and attorney fees. Additionally, abusive litigants would be subject to future prefiling requirements.

Survivors and their children are not the only ones impacted by abusive litigation. The practice also wastes court resources, public funds, and the time of judges and court personnel. If enacted, this bill would be a deterrent against wasteful and harmful misuse of our judiciary system.

Currently, five states have enacted legislation to address abusive litigation: Washington, Rhode Island, Vermont, Tennessee, and California. Hawai'i should join them in providing this important protection for domestic violence survivors.

Mahalo for the opportunity to provide this testimony. Please pass this bill.

Thank you,

Nicole Woo
Director of Research and Economic Policy



**Parents And
Children Together**

**BUILDING THE RELATIONSHIPS
THAT MATTER MOST**

ParentsAndChildrenTogether.org

TESTIMONY IN SUPPORT OF HB 2657 HD1 RELATING TO ABUSIVE LITIGATION

TO: Chair Yamashita, Vice-Chair Kitagawa, & Members,
House Committee on Finance
FROM: Ryan Kusumoto, President & CEO
DATE: February 27, 2024 at 12:00 PM

Parents and Children Together (PACT) supports HB 2657 HD1 Relating to abusive litigation, which establishes judicial procedures to prevent and remedy abusive litigation. *We support the position of the Hawaii State Coalition Against Domestic Violence, of which we are a member.*

Founded in 1968, PACT is a statewide community-based organization providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, we help identify, address, and successfully resolve challenges through our 20 programs. Among our services are early education programs, domestic violence programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, poverty prevention and community building programs.

In relation to this bill, PACT's Family Peace Center has been providing domestic violence counseling for over 25 years and offers a comprehensive community-based program that includes prevention and intervention services. Services on Oahu and Maui strive to bring peace to Hawaii families through a service array that promotes safety, support and accountability to offenders, survivors, and their children. We also operate three domestic violence shelters and have extensive experience with keeping survivors safe.

Litigation abuse is a malicious form of abuse where a former abusive partner retaliates, intimidates and maintains control of a survivor by repeatedly forcing them back to court with baseless claims. Examples of litigation abuse include suing survivors for reporting abuse and suing or threatening to sue anyone who helps the survivor. Survivors are not the only victims of abusive litigation. Prolonged abusive litigation wastes court resources, public funds, and the time of judges and court personnel. This bill is a deterrent against the filing party from weaponizing the courts to harass survivors while wasting the scarce resources of the judiciary.

This legislation provides a critical new protective tool for survivor safety, empowerment, financial independence, economic justice, and peace after surviving domestic or sexual violence.

Thank you for the opportunity to testify. Please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.



February 27, 2024

Members of the House Committee on Finance:

Chair Kyle T. Yamashita	Rep. Bertrand Kobayashi
Vice Chair Lisa Kitagawa	Rep. Rachele F. Lamosao
Rep. Micah P.K. Aiu	Rep. Dee Morikawa
Rep. Cory M. Chun	Rep. Scott Y. Nishimoto
Rep. Elle Cochran	Rep. Mahina Poepoe
Rep. Andrew Takuya Garrett	Rep. Jenna Takenouchi
Rep. Kirstin Kahaloa	Rep. David Alcos III
Rep. Darius K. Kila	Rep. Gene Ward

Re: HB2657 HD1 Relating to Abusive Litigation

Dear Chair Yamashita, Vice Chair Kitagawa, and Members of the House Committee on Finance:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 27 member programs statewide, I respectfully submit testimony in **strong support of HB2657 HD1**. Currently, five states have enacted legislation to address abusive litigation: Washington, Rhode Island, Vermont, Tennessee, and California. As proposed, this statute would not affect a person's right to access the courts. Instead, it would allow the courts additional discretion to terminate, mitigate, and address abusive litigation practices.

HB2657 HD1 allows a domestic survivor to assert a claim of abusive litigation if the party filing or advancing the litigation was previously an intimate partner. Survivors of domestic violence, sexual assault, and stalking seek relief through civil and family courts in Hawai'i and other jurisdictions that should be recognized in abusive litigation.

Litigation abuse is a particularly malicious form of abuse where a former abusive partner keeps dragging a survivor back to court with baseless claims to maintain control and contact, retaliate, coerce, and intimidate a survivor. By forcing a survivor to appear at a specific courthouse, at a specific time and place, they are compelled to be together in the same room and close proximity to their former abuser. This occurs often in child custody cases when former partners have children together. Other examples of litigation abuse include suing survivors for reporting abuse and suing or threatening to sue anyone who helps the survivor. This



re-victimizes and re-traumatizes them, bringing back the same fear and anxiety that existed for the survivor during the controlling abusive relationship.

Survivors are not the only ones impacted by abusive litigation. Prolonged abusive litigation wastes court resources, public funds, and the time of judges and court personnel. This bill is a deterrent against the filing party from weaponizing the courts to harass survivors while wasting the scarce resources of the judiciary.

This bill will empower judges and the courts with the discretion to enter an order restricting abusive litigation. Upon request, the court would set a motion hearing to determine whether the litigation meets the statutory definition of *abusive litigation*. If the court finds that a party is engaging in abusive litigation, the action would be denied. In addition, the court would enter an “order restricting abusive litigation,” which may impose all costs and reasonable attorney fees incurred and may impose a pre-filing restriction upon the party found to have engaged in the abusive litigation. The abusive litigator will be required to seek permission from the court before proceeding with future litigation against the other protected party.

This legislation would provide a critical new protective tool for survivor safety, empowerment, financial independence, economic justice, and peace after surviving domestic or sexual violence.

Thank you for the opportunity to testify on this important matter.

Sincerely,
Angelina Mercado, Executive Director



February 27, 2024

Rep. Kyle T. Yamashita, Chair
Rep. Lisa Kitagawa, Vice Chair
House Committee on Finance

Re: H.B. 2657 H.D.1, Relating to Abusive Litigation

Hearing: Tuesday, February 27, 2024, 12 p.m., Room 308

Dear Chair Yamashita, Vice-Chair Kitagawa and Members of the Committee on Finance:

Hawaii Women Lawyers (“HWL”) submits testimony in **support** of 2657 H.D.1, which proposes to protect individuals who make claims of sexual misconduct from defamation lawsuits unless the claims were proven to be made with malice.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

HWL supports this bill because it is a deterrent against the filing party from weaponizing the courts to harass survivors while wasting the scarce resources of the judiciary. This bill will empower judges and the courts with the discretion to enter an order restricting abusive litigation. **Basically, it will prevent perpetrators of violence against women from using yet again another avenue of abuse.**

It is well known that litigation abuse is a particularly malicious form of abuse where a former abusive partner keeps dragging a survivor back to court with baseless claims to maintain control and contact, retaliate, coerce, and intimidate a survivor. By forcing a survivor to appear at a specific courthouse, at a specific time and place, they are compelled to be together in the same room as well as in close proximity to their former abuser. This occurs often in child custody cases when former partners have children together. Other examples of litigation abuse include suing survivors for reporting abuse and suing or threatening to sue anyone who helps the survivor. This re-victimizes and re-traumatizes them, bringing back the same fear and anxiety that existed for the survivor during the controlling abusive relationship.

For all of the above reasons, we respectfully request that the Committee pass **H.B. 2657 H.D.1**. Thank you for the opportunity to submit testimony on this measure.

HB-2657-HD-1

Submitted on: 2/25/2024 10:08:36 AM

Testimony for FIN on 2/27/2024 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christine Johnson	Individual	Support	Written Testimony Only

Comments:

Aloha Hawaii State Legislators!

I am a retired Registered Nurse and a Survivor of Child ritual sexual abuse by Catholic Nuns in New York State and Catholic Jesuit priests as a adult mother and widow in CALifornia.

I alsoa am a DV Survivor.

I am thrilled that you are taking on this matter of Abusive Litigation, as i personally have encountered this in the Catholic church Current so called "independent review boards/Victim's assistance programs.

They use a Narcissistic program of luring in vulnerable victims with promises of accountability and care only to gaslight, exert coercisive control of the situation and victim and end up battering and re abusing us to the point of suicide by some and total devestation by others..

It is evil and they do the same using their defense lawyers in the legal justice system cases.

They also are manipulating our Bankruptcy laws Chapter 11 to re abuse through our legal justice system.

I hope this bill is the beginning of an end to Abusive litation and tactics used in domestic and other abuse cases.

Mahalo for all you are doing to change things for victim/survivors and the perpetrators who use our system to reabuse. STOP IT.

Christine Johnson

HB-2657-HD-1

Submitted on: 2/26/2024 12:36:32 PM

Testimony for FIN on 2/27/2024 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lindsey A Drayer	Individual	Support	Written Testimony Only

Comments:

I support this

Thanks

HB-2657-HD-1

Submitted on: 2/26/2024 4:14:31 PM

Testimony for FIN on 2/27/2024 12:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Monica Mulleitner	Individual	Support	Written Testimony Only

Comments:

I support this bill for the perpetuity of Hawaiian culture.

February 26, 2024

Testimony in support for HB 1968

Dear Chair Yamashita and Vice Chair Kitagawa, and all members of the Finance Committee: Members, Aiu, Chun, Cochran, Garrett, Kahaloa, Kila, Kobayashi, Lamosao, Morikawa, Nishimoto, Poepoe, Takenouchi, Alcos, and Ward:

Thank you for allowing me to testify in strong support of HB2657. I am writing to you from the island of Kaua'i to make certain that the idea of abusive litigation can be stopped. Litigation abuse, in my opinion, is a very malevolent form of abuse whereby a former abusive partner in domestic violence can retaliate, threaten, and manage to preserve total control over a survivor by repeatedly coercing them back into court with untrue and/or groundless claims. An Example of litigation abuse include civil suits filed against survivors for the original reporting of their abuse and/or bringing civil suits to others who may have previously aided and assisted a domestic violence survivor.

As a witness to this crime in my own family, victims need protection from prolonged litigation which is intentionally abusive. These lengthy litigation trials can waste our public taxes, time of lawyers and judges, court staff resources and the victim's legal costs.

I believe this bill HB2657 may be a strong deterrent against a person seeking to weaponize the court to harass victims and survivors of abuse. I am a strong advocate for survivor safety, personal empowerment, financial independence, and economic justice for victims of domestic abuse.

Thank you for allowing me to submit this testimony. I strongly support HB 2657 for all of the many community members who are hoping the legislature will understand the urgency of this bill to protect persons from abusive litigation.

Mahalo,

Bevin Parker-Evans



Testimony to:
HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024

COMMITTEE ON FINANCE
Rep. Kyle T. Yamashita, Chair
Rep. Lisa Kitagawa, Vice Chair

Tuesday, February 27th, 2024 at 12:00 p.m.
VIA VIDEOCONFERENCE
Conference Room 308
State Capitol
415 South Beretania Street

HB2657 HD1 **IN SUPPORT**

My name is Miranda Quimby. I am a concerned citizen of the United States, a former resident of Hawai'i, and a mother to a beautiful child. I am testifying in support of HB2657 HD1, relating to Abusive Litigation.

Domestic abuse and abusive relationships are devastating problems. As a society, we need more laws to protect individuals and their families from the resulting “unseen” (yet far-reaching) consequences. According to the United Nations (2024):

“Domestic abuse, also called “domestic violence” or “intimate partner violence,” can be defined as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse is physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure, or wound someone. Domestic abuse can happen to anyone of any race, age, sexual orientation, religion, or gender. It can occur within a range of relationships, including couples who are married, living together, or dating. Domestic violence affects people of all socioeconomic backgrounds and education levels”.

Collectively, we must recognize that abuse is not always blatantly obvious and that it does take on many forms. Unfortunately, it can be difficult to detect certain kinds of abuse and protect the victims from a legal standpoint. Abusive litigation is a particular form of abuse that can go undetected by outsiders, but for the victims, it has catastrophic consequences; we must understand that it extends even beyond what is mentioned in this bill. More specifically, we must genuinely acknowledge and understand that the depth of the trauma that results from abuse affects the entire existence of the victims (and often their families) and further enables the abuser to continue abusing and exerting power over their victims. As mentioned in the HB2657 HD1 Relating to Abusive Litigation (2024), “abusive litigation in the intimate partner violence context is a unique issue that needs to be addressed.” In other words, abusive litigation is a distinctive

form of abuse that needs to be formally recognized, and laws need to be in place to support victims.

I have witnessed firsthand the devastating effects of domestic abuse, specifically abusive litigation, with loved ones who are victims. If laws were in place to protect them, their lives would be positively and significantly different. They would be able to thrive instead of struggling to get by. That is why I am writing in support of HB2657 HD1.

Please establish and maintain more solid protection for abuse victims. Society would greatly benefit, and individual victims would receive the protection they deserve.

Sincerely,
Miranda Quimby

References

HB2657 HD1, Relating to Abusive Litigation, (2024).
https://www.capitol.hawaii.gov/sessions/session2024/bills/HB2657_HD1_.htm

United Nations. (2024) What is Domestic Abuse? <https://www.un.org/en/coronavirus/what-is-domestic-abuse>