



The Judiciary, State of Hawai‘i
Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

House Committee on Judiciary & Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Wednesday, February 25, 2026, 2:00 p.m.
State Capitol, Conference Room 325

By

Dyan M. Medeiros
Senior Judge, Deputy Chief Judge
Luna Kānāwai ‘Ohana Nui
Family Court of the First Circuit
‘Aha Ho‘okolokolo ‘Ohana o ke Ka‘apuni ‘Ekahi

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1962, H.D. 1, Relating to Family

Purpose: Establishes an exemption from mediation in paternity proceedings where there are allegations of domestic abuse. Clarifies the exemption from mediation in divorce proceedings as it relates to domestic abuse.

Judiciary's Position:

The Judiciary supports House Bill No. 1962, H D 1. We thank the House Committee on Human Services & Homelessness for its amendment, which replaced references to Chapter 584 with references to Chapter 584A. The Judiciary notes that there are several substantially similar bills regarding exemptions from mediation in cases where there are allegations of domestic abuse: House Bill No. 1283 (companion Senate Bill No. 1520), House Bill No. 1962 (companion Senate Bill No. 2842), Senate Bill No. 2149, and Senate Bill No. 2513.

The family courts of Hawai‘i have championed mediation in many of the case types under our jurisdiction, including divorce and parentage cases. We have decades of experience



House Bill No. 1962, H.D. 1, Relating to Family
House Committee on Judiciary & Hawaiian Affairs
Wednesday, February 25, 2026 at 2:00 p.m.
Page 2

that support our continued policy to order mediation as an alternative to continued litigation. We have witnessed countless cases where parties, including parties who have alleged domestic abuse, have reached positive results through mediation and managed to avoid or minimize the harmful effects of conflict and litigation on children and families.

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



**Written Testimony of Elizabeth Kent
In Support of HB 1962, HD 1
Before the Committee on Judiciary and Hawaiian Affairs
February 25, 2026, at 2:00 p.m.**

Aloha Chair Tarnas and Committee Members,

Thank you for the opportunity to testify in strong support of HB 1962, HD 1. I am one of the commissioners appointed from Hawaii to serve on the Uniform Law Commission and my testimony is about the sections of HB 1962, HD 1 that intersect with the Uniform Mediation Act, codified at Chapter 658H, Hawaii Revised Statutes.

Concerns were raised during the 2025 legislative session that inconsistent statutory language might lead to the inequitable application of HRS §658H-10. The language in HB 1962, HD 1 at page 2, lines 12-15 and page 5, lines 14-17 has corrected the potential problem.

I urge Committee members to pass HB 1962, HD 1.

Respectfully Submitted,

Elizabeth Kent
Uniform Law Commissioner, Hawaii



February 25, 2026

Members of the House Judiciary & Hawaiian Affairs:

Chair David A. Tarnas
Vice Chair Mahina Poepoe
Rep. Della Au Belatti
Rep. Elle Cochran
Rep. Mark J. Hashem
Rep. Kirstin Kahaloa
Rep. Jackson D. Sayama
Rep. Gregg Takayama
Rep. Diamond Garcia
Rep. Garner M. Shimizu

Re: HB1962, HD1 Relating to Family

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) mission is to unite Hawai'i to end all forms of domestic violence. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 20 member programs, I respectfully submit testimony in strong support of HB1962, HD1.

We commend the Legislature for taking important steps to protect survivors of domestic violence from being compelled into mediation in family court proceedings. This bill appropriately recognizes the risks mediation can pose when domestic abuse is present by:

- ensuring survivors consent to engaging in mediation;
- mediators who work with survivors have been trained in the dynamics of domestic abuse; and
- reiterates that, under HRS §658H-10, a person may bring a lawyer or someone else they choose to mediation, and that person may participate in the mediation. Additionally, a waiver of participation, made before the mediation, may be rescinded.

These changes reflect the [Revised Hawai'i Guidelines for Mediators](#), endorsed by the Hawaii Supreme Court on May 6, 2025, which emphasize participant self-determination, mediators' competence, and mediation safety.

HB1962 also addresses concerns raised during the 2025 legislative session that inconsistent statutory language might lead to the inequitable application of HRS §658H-10. This measure references HRS §658H-10 and includes aligning its language with the statute to promote clarity, consistency, and fairness in how courts apply these protections.

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

Sincerely,

Angelina Mercado, Executive Director



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 Judiciary & Hawaiian Affairs
Re: **HB1962 HD1 – Relating to Family**
Hawai'i State Capitol & Via Videoconference
February 25, 2026, 2:00 PM

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

On behalf of Hawai'i Children's Action Network Speaks!, I am writing in **SUPPORT of HB1962 HD1**. This bill establishes an exemption from mediation in parentage proceedings where there are allegations of domestic abuse and clarifies the exemption from mediation in divorce proceedings as it relates to domestic abuse.

This bill reflects best practices encouraged by advocates and professionals working with survivors of domestic violence, who emphasize that legal processes must adapt to the realities of lived experience. It affirms that domestic violence survivors should not be compelled to engage in a process that could retraumatize them or compromise their and their children's safety.

Mandatory mediation can place a survivor in close contact with their alleged abuser, which can hinder fair outcomes regarding custody, parenting time, or child support. Allowing survivors to opt out of mediation protects them from potentially dangerous face-to-face encounters with their abuser and prioritizes the physical and emotional well-being of children who may also be at risk.

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

Thank you,

Nicole Woo
Director of Research and Economic Policy

HB-1962-HD-1

Submitted on: 2/23/2026 2:50:04 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
M. Leilani DeMello	Individual	Support	Written Testimony Only

Comments:

Aloha,

I KĀKO‘O this bill.

Mahalo,

M. Leilani DeMello

HB-1962-HD-1

Submitted on: 2/23/2026 8:39:18 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deanna Espinas	Individual	Support	Written Testimony Only

Comments:

Submitting testimony in support.

HB-1962-HD-1

Submitted on: 2/24/2026 2:00:00 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shana Wailana Kukila	Individual	Comments	Written Testimony Only

Comments:

As a survivor of domestic violence, I write this testimony in support with of HB1962 reservations. Mediation can and should be done, but it shouldn't expose the family to harm. Skilled therapists are more keen on how perpetrators of family violence are often well spoken in public while victims are often fearful and seem antisocial, making mediation and counseling something that only the most skilled can decipher and properly assess/address. Mediation is not a simple thing when it involves family violence.

In my experience, there needs to be a domestic violence professional present at an court ordered family therapy session, regular child welfare intake assessment, court ordered custody evaluation, or any other family court proceeding where it is warranted or requested, including for counseling or mediation. Qualified professionals running these sessions and intake assessments should always possess the education, experience, and skills to identify domestic violence dynamics present in families in crisis. The wrong diagnosis and treatment could result in death. We know that fatalities occur when domestic violence is not properly identified or treated. There are too many tragedies to count.

In conclusion, we need more qualified domestic violence counselors and therapists to meet this extreme need.

Please consider this as you move this bill forward.

Mahalo,

Shana W. Kukila

Hilo, HI

HB-1962-HD-1

Submitted on: 2/24/2026 2:53:29 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christine L. Andrews, J.D.	Individual	Support	Written Testimony Only

Comments:

I strongly support HB1962 HD1. People should not be forced to mediate with their abusers.

HB-1962-HD-1

Submitted on: 2/24/2026 6:14:48 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
pahnelopi mckenzie	Individual	Support	Written Testimony Only

Comments:

We respectfully submit testimony in strong support of HB1962, HD1, and commend the Legislature for taking important steps to protect survivors of domestic violence from being compelled into mediation in family court proceedings. This bill appropriately recognizes the risks mediation can pose when domestic abuse is present by:

- Ensuring survivors consent to engaging in mediation;
- Mediators who work with survivors have been trained in the dynamics of domestic abuse; and
- Reiterates that, under HRS §658H-10, a person may bring a lawyer or someone else they choose to mediation, and that person may participate in the mediation. Additionally, a waiver of participation, made before the mediation, may be rescinded.

These changes reflect the [Revised Hawai'i Guidelines for Mediators](#), endorsed by the Hawaii Supreme Court on May 6, 2025, which emphasize participant self-determination, mediators' competence, and mediation safety.

HB1962 also addresses concerns raised during the 2025 legislative session that inconsistent statutory language might lead to the inequitable application of HRS §658H-10. This measure references HRS §658H-10 and includes matching the language from the statute to promote clarity, consistency, and fairness in how courts apply these protections.

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

Pahnelopi Mckenzie

Dennis Dunn

(dennismdunn47@gmail.com)

Kailua, HI 96734

TO: David A. Tarnas, Chair

Mahina Poepoe, Vice Chair

House Committee on Judiciary and Hawaiian Affairs

RE: H.B. 1962, H.D. 1. Relating to Family

Wednesday, February 25, 2026, 2:00 p.m.

Room 325

Good Afternoon, Chair Tarnas, Vice Chair Poepoe and Members of the House Judiciary and Hawaiian Affairs Committee. My name is Dennis Dunn, and I am testifying in strong support of H.B. 1962, H.D. 1, Relating to Family. This Bill exempts victims of domestic abuse from mandatory mediation in parentage proceedings. This exemption is not only a matter of compassion but a crucial step toward ensuring true justice and the safety of survivors. Allow me to outline the reasons why this exemption is necessary:

- **Safety Concerns:** Mandating mediation requires victims to interact, directly or indirectly, with their abusers, exposing them to risks of further harm, intimidation, or coercion. Granting an exemption is essential to protect their physical and emotional well-being.
- **Power Imbalances:** Domestic violence creates profound power differentials between parties. Mediation depends on equal footing and open negotiation—circumstances that do not exist when one party has exerted control of another through threats or violence. This bill recognizes and addresses these fundamental imbalances.
- **Risk of Re-traumatization:** The process of mediation can force survivors to revisit traumatic events or face their abusers, leading to emotional and psychological distress. Exempting victims from mediation spares them unnecessary trauma and promotes their recovery.
- **Lack of Voluntary Participation:** Effective mediation requires both parties to participate freely and in good faith. Victims may feel compelled to agree out of fear rather than genuine consent, undermining the integrity and fairness of any outcomes reached.

- **Legal Protections and Precedent:** Many jurisdictions already recognize the unique challenges faced by survivors and provide exemptions to prioritize their safety. This bill aligns with best practices and established legal protections.
- **Promoting Justice:** Most importantly, this exemption ensures that our legal process does not compromise justice by subjecting survivors to a process ill-suited to address abuse or protect their interests.

For these reasons, I respectfully urge you to support H.B. 1962, H.D. 1 and stand with survivors in their pursuit of safety, dignity, and justice. Thank you for your time and consideration.