



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

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Wednesday, February 4, 2026 at 2:00 p.m.
Hawai‘i 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

Bill No. and Title: House Bill No. 2090, Relating to Domestic Abuse Orders for Protection.

Purpose: Removes the requirement that requests to withhold from public inspection the petition record of a denied temporary restraining order or denied protective order be made orally.

Judiciary's Position:

The Judiciary strongly supports House Bill No. 2090 which is included in the Judiciary’s 2026 legislative package.

HRS Section, 586-4 was recently amended with the passage of 2020 Haw. Sess. Laws Act 18 to add subpart (g). As is noted in Act 18, the Legislature found that victims of domestic abuse who sought protection through the courts may face retaliatory acts from their abuser such as counter-petitions for the same relief. The Legislature further found that retaliatory counter-petitions can negatively impact domestic abuse victims’ employment and house prospects and hinder the victims’ efforts to gain physical and financial independence from their abusers.

Based on this potential for retaliatory counter-petitions, the newly added HRS Section 586-4(g) allows the court to issue an order that withholds a denied petition from public



House Bill No. 2090, Relating to Domestic Abuse Orders for Protection
House Committee on Judiciary & Hawaiian Affairs
Wednesday, February 4, 2026 at 2:00 p.m.
Page 2

inspection. However, in order to issue such an order, under the current law the respondent must make an oral request at a court hearing. Given the fact that requests for temporary restraining orders are reviewed/submitted on an ex parte basis and generally without a hearing, there is no ability for respondents to make such oral requests in the ordinary course.

This measure addresses this issue by adding language to give respondents the option of making either oral or written requests to withhold denied petitions from public inspection. Similarly, this bill also amends the same change to HRS Section 586-5.5(c) relating to denied protective orders.

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



February 4, 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: HB2090 Related to Domestic Abuse Orders for Protection

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 20 domestic violence programs, shelters, and allied partners.

On behalf of HSCADV and our member programs, I respectfully submit testimony in support of HB2090, which amends HRS §586-4(g) and HRS §586-5.5(c) to allow the courts to withhold from public view a petition for a protective order that has not been granted.

As HRS §586-4(g) is currently written, there is a procedural gap regarding requests to have domestic abuse petitions withheld from public inspection. Under existing law, a request to withhold a petition from public view must be made by oral request.

Petitions for a temporary restraining order under HRS §586-4 are filed ex parte, meaning they are reviewed by a judge without a hearing and without the respondent present. In cases where the court denies the petition at the ex parte stage, no hearing occurs, and the respondent has no opportunity to make an oral request to withhold the petition from public inspection. As a result, denied petitions may remain publicly accessible despite the absence of judicial findings or any opportunity for the respondent to be heard.



An order to show cause hearing under HRS §586-5.5 occurs after a temporary restraining order has been granted. At that stage, the respondent is required to appear and respond to allegations that have already resulted in the issuance of a TRO. The statutory mechanism for requesting that a petition be withheld from public inspection, therefore, applies only in cases where relief has already been granted, not in cases where a petition is denied.

Clarifying Chapter 586 to allow for written requests or automatic consideration of whether denied ex parte petitions should be withheld from public inspection would promote fairness, consistency, and due process, while preserving appropriate public access where warranted. Addressing this gap would better align the statute with the realities of ex parte proceedings and fundamental principles of procedural fairness.

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

Sincerely,
Angelina Mercado, Executive Director