



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

**Testimony to the Thirty-Third Legislature, 2026 Regular Session**

**Senate Committee on Judiciary**  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Tuesday, March 17, 2026 at 9:55 a.m.  
Hawai'i State Capitol, Conference Room 016

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

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**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.



House Bill No. HB2090, Relating to Domestic Abuse Orders for Protection  
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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 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.



March 15, 2026

Position: **SUPPORT** of **HB2090**, Relating to Domestic Abuse Orders for Protection

**To:** Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair  
Members of the Senate Committee on Judiciary

**From:** Llasmin Chaine, LSW, Executive Director, Hawaii State Commission on the Status of Women

**Re:** Testimony in **SUPPORT** of **HB2090**, Relating to Domestic Abuse Orders for Protection

Hearing: Tuesday, March 17, 2026, 9:55 a.m.  
Conference Room 016, State Capitol

The State Commission on the Status of Women is committed to advancing the rights, safety, and well-being of women and girls in Hawaii. The Commission **supports HB2090** because it addresses the sensitive issue of privacy for individuals who seek protection through the family courts, particularly in cases involving domestic abuse.

**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.** The proposed change addresses existing procedural gaps and supports trauma-informed judicial processes.

The Commission respectfully urges this Committee to **pass HB2090**, aligning the statute with the realities of ex parte proceedings and the fundamental principles of procedural fairness.

Thank you for this opportunity to submit testimony.



March 17, 2026

Members of the Senate Committee on Judiciary:

Chair Karl Rhoads  
Vice Chair Mike Gabbard  
Rep. Stanley Chang  
Rep. Joy A. San Buenaventura  
Rep. Brenton Awa

Re: HB2090 Relating to Domestic Abuse Orders for Protection

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

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 statewide, 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

**LATE**

**TESTIMONY**  
**Committee on Judiciary**  
**Hearing: Tuesday, March 17, 2026**

**TO:** Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

**FROM:** Mark K. Murakami, HSBA President

**RE:** HB 2090 - RELATING TO DOMESTIC ABUSE ORDERS FOR PROTECTION

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee on Judiciary:

The Hawai'i State Bar Association ("HSBA") supports HB 2090. This bill would authorize the court to withhold from public inspection the petition record in cases where a temporary restraining order, protective order, or extended protective order is denied. This measure provides courts with additional discretion to address privacy and reputational concerns that may arise when relief is not granted, while appropriately maintaining access to such records for law enforcement purposes.

Domestic abuse proceedings are often initiated under urgent and sensitive circumstances. When a petition is ultimately denied, continued unrestricted public access to the record may result in unintended collateral consequences for respondents despite the court's determination that the statutory standards for relief were not met. Allowing courts to limit public inspection upon request supports fairness and helps ensure that individuals are not unduly burdened by the denied petition.

HB 2090 represents a measured and balanced approach that preserves public safety interests, maintains necessary transparency for law enforcement, and promotes confidence in the integrity of the family court system. For these reasons, HSBA supports this measure. Mahalo for your consideration.

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**HB-2090**

Submitted on: 3/16/2026 10:29:18 AM

Testimony for JDC on 3/17/2026 9:55:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Isabella Zingray	Individual	Support	Written Testimony Only

Comments:

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