

LATE

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HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

To: Chair Suzanne Chun Oakland
Vice-Chair Josh Green, M.D.
SENATE COMMITTEE ON HUMAN SERVICES

From: Veronika Geronimo, Executive Director
Hawaii State Coalition Against Domestic Violence

Hearing Date and Time: January 29, 2013, 1:30 pm

Place: Conference Room 016

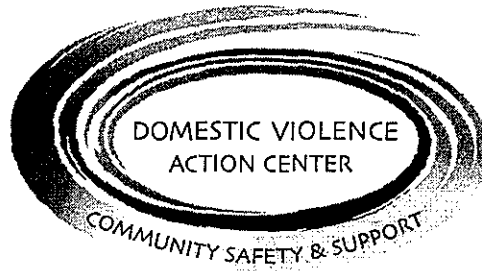
RE: SB916 – Comments only

The Hawaii State Coalition Against Domestic Violence wishes to offer comments on SB916, which would establish that if a protective order is issued to prevent sexual offenses or child abuse or a recurrence of such acts that would constitute a felony between family or household members or if a licensed mental health professional submits an affidavit made under oath or under penalty of perjury to a court stating that the person suffers from instances of extreme psychological abuse, the court shall issue a permanent protective order.

Victims of domestic violence seek support and safety from a variety of informal and formal networks and systems. They may not seek out mental health professionals, solely, and may feel more comfortable seeking assistance from a community-based agency or program, healthcare provider, or faith-based organization. Introducing a specific requirement to obtain a protective order, such as that of an affidavit from a licensed mental health professional, may set a precedent suggesting that all temporary restraining order/protective order petitioners should have expert and professional testimony to support their petitions. These specific requirements could limit and complicate the process for obtaining a protective order, jeopardizing a victim's access to a valuable tool for safety and protection.

Thank you for your consideration.

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To: Chair Chun Oakland
Vice Chair Green
Members of the Committee on Human Services

Fr: Nanci Kreidman, M.A.

RE: SB 916

Good afternoon. Thank you for the opportunity to discuss these issues of significance related to safety for families who have suffered domestic violence.

A temporary restraining order and the more definitive Protection Order are very important tools for obtaining safety from the Family Court. Our community has worked very hard, with programs and agencies in collaboration with one another, to create a responsive and reasonably effective system to support those survivors who desire this kind of protection. It is a very big step to take, telling one's story to strangers, getting intervention from the government and quieting the terror that inevitably sets in when defying the (spoken or unspoken) rules set by an abuser.

Making the pursuit of this protection, through the Court's order, with an affidavit from a mental health professional may create a barrier that many cannot overcome. It creates an extra step, greater uncertainty and requires more personal resources. Is a mental health professional a counselor at a shelter, a domestic violence program, a sexual assault crisis counselor? Or is the language meant to describe a licensed psychologist?

A permanent protection order does seem like a wonderful solution to potentially lethal domestic violence situations. A Court order detailing the conditions (visitation, financial relief, etc) and issued for a time certain (50 years) may be the more preferable path. It is clear for everyone to follow and to enforce.

Thank you for allowing us to offer our perspective.