

JAN 21 2011

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# A BILL FOR AN ACT

RELATING TO FAMILY COURTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 571, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§571- Jane and john doe filings; domestic abuse. (a)

5 A court, upon petition by an alleged victim, shall allow a  
6 petition, complaint, motion, or other papers to be filed  
7 identifying the alleged victim as "jane doe" or "john doe" in  
8 cases of alleged domestic abuse where the alleged victim has  
9 already received an order of protection, temporary restraining  
10 order, or protective order against the accused party to the  
11 petition or complaint pursuant to section 586-3, 586-4, or  
12 586-5.5, respectively; provided that the court finds the "jane  
13 doe" or "john doe" filing is reasonably necessary to protect the  
14 privacy of the alleged victim and will not unduly prejudice the  
15 prosecution or the defense.

16           (b) In considering a petition requesting a "jane doe" or  
17 "john doe" filing, the court shall weigh the alleged victim's  
18 interest in privacy against the public's interest in disclosure.



1        (c) In the event of a jury trial, the court shall instruct  
 2 the jury that the victim is being identified as "jane doe" or  
 3 "john doe" only for the purpose of protecting the alleged  
 4 victim's privacy pursuant to this section.

5        (d) The court only after finding significant and  
 6 compelling circumstances that would make public inspection  
 7 inconsistent with the purpose of this section, shall seal from  
 8 the public all documents or portions of documents that would  
 9 identify the alleged victim or contain sufficient information  
 10 from which the alleged victim's identity could be discerned or  
 11 inferred."

12        SECTION 2. New statutory material is underscored.

13        SECTION 3. This Act shall take effect upon its approval.

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**Report Title:**

Domestic Abuse; Jane Doe and John Doe Filings; Indentifying Information; Privacy

**Description:**

Requires a court to allow an alleged victim to be listed as "jane doe" or "john doe" within court filings in cases of alleged domestic abuse where the alleged victim has already received an order of protection, temporary restraining order, or protective order against the accused party to the petition or complaint; provided that the court determines it would be necessary to protect the privacy of the alleged victim. Also permits courts to seal court records associated with the "jane doe" or "john doe" filing under certain circumstances.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

