

LATE Testimony



To: The Honorable John Mizuno, Chair
The Honorable Jo Jordan, Vice-Chair
HOUSE COMMITTEE ON HUMAN SERVICES

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

RE: HB1921 - OPPOSE

Hearing Date and Time: Monday, January 30, 2012, 8:30AM

Good morning Chair Mizuno, Vice-Chair Jordan, and members of House Committee on Human Services, the Hawai'i State Coalition Against Domestic Violence respectfully submits the following testimony in opposition to HB1921. As a statewide coalition of domestic violence service providers, our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

While we are encouraged by the bill's intent to increase access to Temporary Restraining Orders for victims, the bill may have some dangerous unintended consequences. Without the proper safeguards in place, an electronic submission has the potential to wrongfully issue TROs to abusers posing as victims. It is not uncommon for perpetrators to abuse the TRO process. Abusers have been known to file false claims not because of fear of personal safety, but to exclude the victim from the home or prohibit contact with their children, as a way of retaliating, or further exerting power and control over a victim. Electronic means of filing TROs weakens the ability of the courts to assess the veracity of the petitioner, and accurately assess violence levels and danger.

Furthermore, some victims, particularly immigrants, youth runaways and those with substance abuse problems, may be reluctant to seek assistance from law enforcement. It is essential for law enforcement or other persons assisting the petitioner with the sworn testimony to be well trained to discern the veracity of the petitioner. Domestic violence programs, would be better trained and equipped to be among those who are designated to assist the petitioner.

Thank you for your consideration.



LATE Testimony

To: Chair Mizuno
Vice Chair Jordan
Members of the Committee on Human Services

Fr: Nanci Kreidman, M.A.

RE: HB 1921 Opposed

Good morning. Thank you for the opportunity to raise issues of significance impacting safety of victims and effectiveness of system response.

The process for obtaining a restraining order and a protective order has been designed with the needs of victims in sharp focus. A key feature of the process is the ability to assist victims at the time of filing to assess their danger and craft their safety. Having crisis support available when making very important decisions and receiving information about the effective use of the justice system can be life saving. The assistance also conserves resources for the Judiciary.

It is no secret that abusers will pose as victims and use this process to further control or retaliate against the victim. The ability of courts to assess these kinds of factors is weakened through reliance on electronic means -- oral sworn testimony. Extensive training, currently not provided, would be essential for law enforcement or other persons assisting the petitioner with the sworn testimony-without that there is the potential to ineffectively discern the veracity of the petitioner.

Finally, we note that challenges for immigrant communities and victims without proficiency in English are greater. There are also victims who may be reluctant to seek assistance from law enforcement.

For these reasons we stand in opposition to the proposed legislation before you. Thank you.

ATTN: House Committee on Human Services

Rep. John M. Mizuno, Chair

Rep. Jo Jordan, Vice Chair

HEARING DATE: January 30, 2012

HEARING TIME: 8:30 a.m.

**Hawai'i Women's Coalition in opposition to HB1921 that would allow
electronic filing of TROs**

Dear Chair Mizuno and Committee Members,

The Coalition has grave reservations about this bill. While it sounds like a good thing on the surface, in practice this could make it easier for perpetrators to get TROs and thus gain a paper trail that could be used against the victims of abuse.

It is already common practice for abusers to file a dueling TRO in order to muddy the judicial waters. Electronic means of filing TROs weakens the ability of the courts to assess violence levels and danger.

Although the current system of immediately granting temporary TROs is far from ideal, it at least allows the possibility that at the end of the temporary period, well-trained law enforcement or other persons assisting the petitioner with the sworn testimony will be equipped to discern the veracity of the petitioner.

We think this measure will do nothing to help victims, but will give perpetrators yet another tool with which to intimidate.

Mahalo,

Ann S. Freed

Co-Chair Hawai'i Women's Coalition

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TESTIMONY ON HB 1921 RELATING TO TEMPORARY RESTRAINING ORDERS

January 30, 2012

8:30 a.m.

Room 329

Aloha Chairman Mizuno and members of the committee:

The Hawaii Family Law Clinic dba Ala Kuola is a non-profit organization that has provided services to the public since 2006 with the filing of temporary restraining orders with the Family Court on Oahu,

We support HB1921, however we recognize that due to the limited resources of law enforcement and the Court this bill is subject to amendment.

Respectfully submitted,

Edwin K. Flores
Executive Director

LATE Testimony

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Monday, January 30, 2012 9:40 AM
To: HUS testimony
Cc: crslethem@gmail.com
Subject: Testimony for HB1921 on 1/30/2012 8:30:00 AM

Testimony for HUS 1/30/2012 8:30:00 AM HB1921

Conference room: 329
Testifier position: Oppose
Testifier will be present: Yes
Submitted by: Chris Lethem
Organization: Individual
E-mail: crslethem@gmail.com
Submitted on: 1/30/2012

Comments:

I Support the intent of this bill.