The Judiciary, State of Hawaii

Testimony to the House Committee on Judiciary
The Hon. Karl Rhoads, Chair
The Hon. Sharon E. Har, Vice Chair

Tuesday, January 29, 2013
2:00 p.m.
State Capitol, Conference Room 325

WRITTEN TESTIMONY ONLY
by
Catherine H. Remigio
District Family Judge
Family Court of the First Circuit

Bill No. and Title: House Bill No. 129, Relating to Child Witness Testimony

Purpose: Enacts the Uniform Child Witness Testimony by Alternative Methods Act.

Judiciary's Position:

The Judiciary takes no position on House Bill No. 129. However, we wish to inform the Committee that both the criminal division of the circuit court and the family court have had, for many years, effective procedures to protect the child witness. We would also add that some of these procedures have been successfully tested by or crafted as a result of appellate cases. This bill is, therefore, not necessary.

Our experience shows that trying to use one template (one "cookie cutter") for matters dealing with child victims is not appropriate and not good for the children. Under our current practices, we are able to craft the safest procedure that will also honor the defendant's due process rights as well as pass appellate muster. Applying a new and, on the face of it, more constricted procedure may cause problems on all three fronts (harm to the child, abrogation of the defendant's rights, and not passing appellate muster).

Thank you for the opportunity to testify on this bill.