



The Judiciary, State of Hawai'i

Testimony to the House Committee on Judiciary
Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

Tuesday, February 28, 2017 2:00 PM
State Capitol, Conference Room 325

by
Judge R. Mark Browning
Senior Family Judge and Deputy Chief Judge
First Circuit

Bill No. and Title: House Bill No. 669, House Draft 1, Relating to Domestic Violence.

Purpose: Relating to reports from the Department of Human Services to the Family Court, per HRS Section 586-10.5

Judiciary's Position:

The Judiciary supports this bill that is now amended by the critical changes made by House Draft 1 (HD 1).

We had opposed the original House Bill No. 669 because it was a complete repeal of HRS §586-10.5. Repealing that section would have severed an important channel of communication between the Family Court and the Department of Human Services (DHS) in cases filed under HRS Chapter 586. H.D. 1 addresses the original intent of the bill, that is, it relieves the Department of Human Services (DHS) from receiving duplicate referrals *and* H.D. 1 successfully balances the need of providing safety to children, the court's need for information independent of the parties, and avoiding unnecessary work by the DHS.

Victims, their children, and perpetrators need case management and access to a panoply of services to address the multi-faceted problem of family violence and to provide safety. The Family Court is not a service provider; our role is to hear cases and apply the law. Unlike child and adult abuse cases, there is no state agency that is a party to the HRS Chapter 586 proceedings that will investigate the allegations or refer the parties to appropriate resources.



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Lacking such an agency in HRS Chapter 586 cases, the court must be able to access help from DHS through oral and written reports.

It is not enough to simply rely on the mandatory reporting procedures of HRS Chapter 350. That chapter has no mechanism for timely communication of information necessary for cases under HRS Chapter 586. H.D. 1 successfully addresses this critical issue without increasing DHS's responsibilities in non-HRS Chapter 586 cases.

These cases are among the toughest faced by Family Court. Alone, we can provide the required protective order but such an order may not address the needs and safety of the children. For all these reasons, the Family Court respectfully supports H.D. 1 of House Bill No. 669.

Thank you for the opportunity to provide testimony on this bill.