



The Judiciary, State of Hawai'i

Testimony to the Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Glenn Wakai, Vice Chair

Thursday, March 14, 2019 at 9:30 AM
State Capitol, Conference Room 016

By

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Family Court of the First Circuit

Bill No. and Title: House Bill No. 295, House Draft 1, Relating to Domestic Abuse

Purpose: Amends the definition of domestic abuse under Hawaii's insurance laws and domestic abuse protective order statutes to include emotional abuse between family or household members. Defines emotional abuse. (HB295 HD1)

Judiciary's Position:

The Judiciary appreciates the Legislature's continued efforts to prevent, address, and protect the citizens of Hawai'i from domestic abuse. The bill expands the definition of "domestic abuse" under HRS Chapter 586 and as a result, the Judiciary anticipates the need for additional resources over and above our current budget in order to ensure timely processing of cases. The Judiciary respectfully offers the following comments with regard to Section 5 of the bill:

1. For context purposes, 3,211 Domestic Abuse Protective Order ("DAPO") petitions were filed and processed in fiscal year 2017-2018 in the First Circuit (Island of O'ahu), an increase from the 2,982 petitions which were filed and processed in the First Circuit in fiscal year 2016-2017. As the Legislature is aware, due to exigent time constraints, the court is required to hold a hearing within fifteen (15) days from the date of filing.
2. Based upon the proposed expansion of the definition of "domestic abuse," the Judiciary anticipates a significant increase in: (1) the amount of petitions filed; (2) the amount of



temporary restraining orders granted (“TRO”) and set for hearing; and (3) contested hearings on the issue of whether the TRO should be extended.

3. Without additional funding, the foregoing increases will have a direct adverse impact on the ability of the court to process and adjudicate petitions in a timely manner.
4. In addition to the impact to the court, it should also be noted that the Judiciary provides the public with assistance in filing petitions through the court officers of the TRO/Domestic Violence Unit. Similar to the impacts on the court and without additional funding, the increase in cases will have a negative impact on the level and quality of service the TRO/Domestic Violence Unit provides to the public.

Although the intent of this bill is to expand the definition of domestic abuse and in turn, afford more protection to the public, it may be the case where such an expansion, without increased funding, will have an overall negative impact on DAPOs. The Judiciary respectfully requests that the Legislature consider the likely impacts on the court and consider whether it would be prudent to allocate additional resources over and above the Judiciary’s current budget to address the increase of cases.

Thank you for the opportunity to comment on this measure.