

FEB 16 2010

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# SENATE CONCURRENT RESOLUTION

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REQUESTING AN AUDIT OF CHILD CUSTODY PROCEEDINGS INVOLVING THE  
COMMISSION OF FAMILY VIOLENCE BY A PARENT, TO ASSESS THE  
USE AND APPLICATION OF SECTION 571-46, HAWAII REVISED  
STATUTES.

1           WHEREAS, domestic violence is recognized as a pattern of  
2 behaviors used by one person to coercively control the other  
3 person in a relationship; and  
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5           WHEREAS, domestic violence may take the form of  
6 psychological, physical, or sexual abuse, and can happen once or  
7 periodically to victims of any age, gender, race, culture,  
8 religion, education level, employment status, or marital status;  
9 and  
10

11           WHEREAS, the primary, most damaging, and long-term form of  
12 domestic violence is psychological abuse, which rarely leaves  
13 any traces of evidence of its occurrence; and  
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15           WHEREAS, victims of abuse are encouraged to terminate  
16 relationships with abusive partners, for their safety and the  
17 safety of their children, and to avert further and future harm;  
18 and  
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20           WHEREAS, the termination of an abusive relationship may  
21 increase a perpetrator's lethality, because the perpetrator  
22 loses control over the victim; and  
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24           WHEREAS, the termination of an abusive relationship does  
25 not necessarily end a perpetrator's use of violence and abuse of  
26 a former partner; and  
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28           WHEREAS, child custody and visitation frequently become  
29 disputed issues after a victim successfully escapes the abusive  
30 relationship; and  
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1 WHEREAS, the litigation of child custody and visitation  
2 disputes often provides perpetrators with an ongoing venue for  
3 the continued use of coercive control against their former  
4 partners, under the guise of child custody and visitation  
5 concerns; and

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7 WHEREAS, domestic violence is a crime, and not a personal  
8 or family problem; and

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10 WHEREAS, section 571-46(a)(9)-(14), Hawaii Revised  
11 Statutes, addresses the problems of family violence in child  
12 custody disputes; and

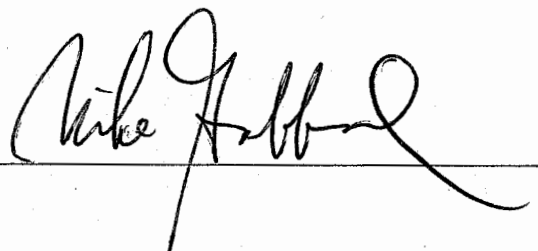
13  
14 WHEREAS, it has come to the attention of the Legislature  
15 that Family Court judges may not be correctly applying, using,  
16 or enforcing Section 571-46(a)(9)-(14), Hawaii Revised Statutes,  
17 to the detriment of domestic violence survivors and their  
18 children, and ultimately punishes survivors and their children  
19 for successfully escaping abusive homes; now, therefore,

20  
21 BE IT RESOLVED by the Senate of the Twenty-fifth  
22 Legislature of the State of Hawaii, Regular Session of 2010, the  
23 House of Representatives concurring, that the Auditor is  
24 requested to conduct an audit of all child custody proceedings  
25 where family violence has been alleged to have been committed by  
26 a parent, that were heard by the Family Courts from January 1,  
27 2004, through December 31, 2009, to assess the use and  
28 application of section 571-46(a)(9)-(14), Hawaii Revised  
29 Statutes; and

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31 BE IT FURTHER RESOLVED that the Auditor is requested to  
32 submit a report any findings and recommendations, to the  
33 Legislature no later than twenty days prior to the convening of  
34 the Regular Session of 2011; and

35  
36 BE IT FURTHER RESOLVED that certified copies of this  
37 Concurrent Resolution be transmitted to the Chief Justice of the  
38 Supreme Court, the Chief Court Administrator of each Circuit,  
39 and the State Auditor.

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42 OFFERED BY:



S.C.R. NO. 91

Shannon Clark  
Fred...  
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by the  
John  
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