

STAND. COM. REP. NO.

843

Honolulu, Hawaii

MAR 23 2011

RE: H.B. No. 616
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 616, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHILD CUSTODY,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that awards of visitation rights may include visitation by electronic communication, and to establish factors to be considered by courts in setting guidelines for visitation by electronic communication.

Your Committee received testimony in support of this measure from seven individuals. Your Committee received testimony in opposition to this measure from the Hawaii State Bar Association Family Law Section. Your Committee received comments on this measure from two individuals.

Your Committee finds that this measure creates necessary guidelines that will allow the Family Court to award visitation through electronic communication in a consistent manner.

Your Committee has heard the concerns regarding visitation and electronic communication where issues of domestic violence are present. Your Committee notes that an exemption should be included in cases involving domestic violence.

Accordingly, your Committee has amended this measure by:



843

- (1) Including in the factors for consideration:
 - (A) Criteria from sections 571-46(9) and (10), Hawaii Revised Statutes, pertaining to family violence, to ensure that concerns regarding domestic violence matters are adequately addressed; and
 - (B) Whether the parent has previously violated a temporary restraining order or protective order; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 616, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 616, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

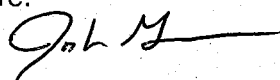
Respectfully submitted on
behalf of the members of the
Committee on Human Services,


SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

| | | | | |
|---|---|---------------------------------------|----------------------------------|---------|
| Bill / Resolution No.:* | Committee Referral: | Date: | | |
| HB 614, HDR | HMS, JDL | 3/18/11 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: | | | | |
| <input type="checkbox"/> Pass, unamended 2312 | <input checked="" type="checkbox"/> Pass, with amendments 2311 | <input type="checkbox"/> Hold 2310 | | |
| <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| CHUN OAKLAND, Suzanne (C) | ✓ | | | |
| IHARA, Jr., Les (VC) | ✓ | | | |
| GREEN, M.D., Josh | ✓ | | | |
| SLOM, Sam | | | | / |
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| TOTAL | 3 | 0 | 0 | 1 |
| Recommendation: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature: | | | | |
|  | | | | |
| Distribution: | | | | |
| Original File with Committee Report | Yellow Clerk's Office | Pink Drafting Agency | Goldenrod Committee File Copy | |

*Only one measure per Record of Votes