

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 958
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 Judiciary and Labor, to which was referred
S.B. No. 958 entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a program in the Family Court for the registration of child custody evaluators; and
- (2) Allow the Board of Family Court Judges to adopt procedures for the certification of child custody evaluators.

Your Committee received testimony in support of this measure from AngelGroup and eight individuals. Your Committee received comments on this measure from the Judiciary, the Family Law Section of the Hawaii State Bar Association, and one individual.

Your Committee finds that child custody evaluators can perform a valuable role in Family Court, by assisting the Family Court in making an informed decision regarding custody issues. Specifically, the intent of this measure is to establish a registry of these child custody evaluators, together with relevant information regarding each evaluator, to allow parties and their attorneys to select an appropriate evaluator for their case.




This measure also authorizes the Board of Family Court Judges to adopt standards and certifications for child custody evaluators. In 2006, your Committee notes that the Legislature adopted Senate Concurrent Resolution No. 52, S.D. 1 (2006), which requested the Committees on Human Services of the Senate and the House of Representatives to convene interim hearings on the use of legal interventions available to the Family Court and to establish one or more task forces (collectively, the SCR 52 Task Force) to facilitate their work. The SCR 52 Task Force submitted a report to the Legislature in 2008, Sen. Spec. Com. Rep. No. 2 (2008), that included recommendations regarding child evaluator licensing requirements. Among other things, the report recommended that a child custody evaluator be in good standing as a social worker, marriage and family therapist, psychologist, or psychiatrist. Your Committee believes that these and other recommendations from the 2008 report should be considered.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (2) Making technical, nonsubstantive changes for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 958, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 958, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 958	Committee Referral: JDL, WAM	Date: 2/15/11		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les	✓			MS
SLOM, Sam	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes