
HOUSE CONCURRENT RESOLUTION

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
4

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
14

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
19

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
23

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
27



H.C.R. NO. 37

1 WHEREAS, child custody and visitation frequently become
2 disputed issues after a victim successfully escapes the abusive
3 relationship; and
4

5 WHEREAS, the litigation of child custody and visitation
6 disputes often provides perpetrators with an ongoing venue for
7 the continued use of coercive control against their former
8 partners, under the guise of child custody and visitation
9 concerns; and
10

11 WHEREAS, domestic violence is a crime, and not a personal
12 or family problem; and
13

14 WHEREAS, section 571-46(a)(9)-(14), Hawaii Revised
15 Statutes, addresses the problems of family violence in child
16 custody disputes; and
17

18 WHEREAS, it has come to the attention of the Legislature
19 that Family Court judges may not be correctly applying, using,
20 or enforcing Section 571-46(a)(9)-(14), Hawaii Revised Statutes,
21 to the detriment of domestic violence survivors and their
22 children, and ultimately punishes survivors and their children
23 for successfully escaping abusive homes; now, therefore,
24

25 BE IT RESOLVED by the Senate of the Twenty-eighth
26 Legislature of the State of Hawaii, Regular Session of 2015, the
27 House of Representatives concurring, that the Auditor is
28 requested to conduct an audit of all child custody proceedings
29 where family violence has been alleged to have been committed by
30 a parent, that were heard by the Family Courts from January 1,
31 2004, through December 31, 2009, to assess the use and
32 application of section 571-46(a)(9)-(14), Hawaii Revised
33 Statutes; and
34

35 BE IT FURTHER RESOLVED that the Auditor is requested to
36 submit a report any findings and recommendations, to the
37 Legislature no later than twenty days prior to the convening of
38 the Regular Session of 2016; and
39

40 BE IT FURTHER RESOLVED that certified copies of this
41 Concurrent Resolution be transmitted to the Chief Justice of the



H.C.R. NO. 37

1 Supreme Court, the Chief Court Administrator of each Circuit,
2 and the State Auditor.

3
4
5

OFFERED BY:

John M. [Signature]
Paul [Signature]
Richards [Signature]
[Signature]

FEB 11 2015

