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## HOUSE CONCURRENT RESOLUTION

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REQUESTING THE COMMITTEES ON HUMAN SERVICES AND THE COMMITTEES  
ON JUDICIARY OF THE SENATE AND THE HOUSE OF REPRESENTATIVES  
TO RECONVENE THE SCR 52 TASK FORCE TO FURTHER STUDY  
RECOMMENDATIONS MADE BY THE SCR 52 TASK FORCE COMMITTEES.

1 WHEREAS, in the 2004 Regular Session, the Senate adopted  
2 Senate Resolution No. 40 authorizing the Senate Committee on  
3 Human Services to convene interim hearings on the Hawaii Family  
4 Court; and  
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6 WHEREAS, the interim hearings were designed to explore ways  
7 to make the Hawaii Family Court more accessible and family  
8 oriented and focused on important issues relating to reduction  
9 in caseload, to limit the long-term use of interventions such as  
10 temporary restraining orders and protective orders, to ensure  
11 greater accountability of court-appointed personnel such as  
12 custody evaluators and guardians ad litem, and to examine ways  
13 to reduce needless expenditures of time and money in  
14 counterproductive litigation relating to child custody  
15 determinations; and  
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17 WHEREAS, during the course of those interim hearings, four  
18 task force groups were formed and submitted their findings and  
19 recommendations to the Senate Committee on Human Services; and  
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21 WHEREAS, some of the recommendations were adopted and  
22 received legislative attention, but there were still other  
23 issues that remained unresolved; and  
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25 WHEREAS, to continue work on the unresolved issues, in the  
26 2006 Regular Session, the Senate and the House of  
27 Representatives adopted Senate Concurrent Resolution No. 52,  
28 S.D. 1, authorizing the Committees on Human Services of the  
29 Senate and the House of Representatives to convene interim  
30 hearings on the use of legal interventions available to the



1 Family Court and to establish one or more task forces to  
2 facilitate their work; and

3  
4 WHEREAS, the SCR 52 Task Force was established for that  
5 purpose; and

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7 WHEREAS, during the course of the recent interim hearings,  
8 four committees were formed relating to Family Court Models,  
9 Family Court Sunshine and Accountability, Temporary Restraining  
10 Orders, and the Best Interests of the Child; and

11  
12 WHEREAS, after hours of hard work and meetings, the four  
13 committees submitted their findings and recommendations to the  
14 SCR 52 Task Force and the Committees on Human Services of the  
15 Senate and the House of Representatives, which adopted many of  
16 the recommendations; and

17  
18 WHEREAS, there are other issues and recommendations that  
19 the SCR 52 Task Force needs to study further; and

20  
21 WHEREAS, the Family Court Models Committee found that:

- 22  
23 (1) A process, known as the Family Court Parenting Plan  
24 Model, should exist to assist parents to develop a  
25 parenting plan without and prior to family court  
26 intervention;  
27  
28 (2) Child custody matters involving domestic violence  
29 should be exempt from the process and should be  
30 screened out at any time in the process in addition to  
31 the first screening;  
32  
33 (3) After the initial screening for domestic violence,  
34 parents should participate in an expanded version of  
35 Kids First that includes:  
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37 (A) Education about parenting after divorce;  
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39 (B) Parenting roles within one home and across homes;  
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41 (C) Optional advanced parenting education;  
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43 (D) An opportunity for children to provide their  
44 activities schedules;



- 1  
2 (E) An introduction to the concept of a parenting  
3 plan; and  
4  
5 (F) An overview of divorce and paternity procedures;  
6  
7 (4) If the parents are unable to develop a parenting plan  
8 after participation in the expanded version of Kids  
9 First, the parents should meet with a Trained  
10 Parenting Plan Facilitator for a series of  
11 facilitations, if necessary, to assist with their  
12 development of a parenting plan;  
13  
14 (5) The Trained Parenting Plan Facilitator should be able  
15 to make confidential recommendations for services to  
16 either parent at any time in the process;  
17  
18 (6) The process should be confidential, non-adversarial,  
19 without the presence of attorneys, and the parents  
20 should have the same Trained Parenting Plan  
21 Facilitator throughout the process;  
22  
23 (7) If after participating in the process the parents  
24 still cannot develop a parenting plan, they should  
25 proceed to family court with any agreed upon issues  
26 standing and for resolution of the outstanding issues;  
27 and  
28  
29 (8) The parents should have the same judge throughout the  
30 child custody proceedings; and  
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32 WHEREAS, with regard to the Family Court Models Committee,  
33 the Task Force needs to further:  
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- 35 (1) Study the level of children's involvement in the  
36 process, including the possibility of expanding  
37 services to meet children's needs in regard to the  
38 impact of a child custody dispute;  
39  
40 (2) Research and recommend best practices in the  
41 development of a parenting plan; and  
42  
43 (3) Research and recommend best practices in the training  
44 and qualifications of the trained parenting plan



facilitator, including training on the issues facing both the petitioner and the respondent; and

WHEREAS, with regard to the Family Court Sunshine and Accountability Committee, the Task Force needs to further study:

- (1) The education, training, and experience standards for family court evaluators;
- (2) Court-appointed custody evaluator models found in other jurisdictions, such as California, to determine if any model explored would be appropriate for implementation in the Hawaii family courts; and
- (3) Any other outstanding recommendations regarding family court custody evaluators; and

WHEREAS, the Temporary Restraining Orders Committee found that:

- (1) Temporary restraining orders should address the issue of minors in greater detail, to wit:
  - (A) A temporary restraining order should provide notice to the petitioner and respondent that at the first Order to Show Cause hearing, the court will have authority to enter a temporary ninety day emergency order regarding any child-in-common that addresses relevant issues of child support, housing, health insurance, transportation, and visitation by the non-custodial parent; and
  - (B) The temporary ninety day emergency order should not be used as evidence in subsequent legal proceedings;
- (2) The Ex Parte Petition for a Temporary Restraining Order for Protection should request a narrative of the "threats of abuse to the child," explain that "threats of abuse" include the acts of abuse described in chapter 586, Hawaii Revised Statutes, and list those examples of abuse;



(3) The Ex Parte Petition for a Temporary Restraining Order for Protection form should also be modified to request:

(A) Information on the parties' legal relationship to the child;

(B) Whether there has been agency contact and if so, it should be specified; and

(C) Whether there are any other known legal actions regarding the child or the parties; and

(4) There is a need to provide better information to the Family Court Judge; and

WHEREAS, with regard to the Temporary Restraining Orders Committee, the Task Force needs to further study the issues identified by the Temporary Restraining Orders Committee; and

WHEREAS, with regard to the Best Interests of the Child Committee, the Task Force needs to further study the recommendations regarding a Children's Bill of Rights; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, the Senate concurring, that the Committees with subject matter jurisdiction over Human Services and the Judiciary of the Senate and the House of Representatives are requested to reconvene the SCR 52 Task Force to further study the outstanding recommendations of the four committees that were formed relating to Family Court Models, Family Court Sunshine and Accountability, Temporary Restraining Orders, and the Best Interests of the Child, and any other related issues; and

BE IT FURTHER RESOLVED that, upon the adoption of this Concurrent Resolution, the SCR 52 Task Force be referred to as the Family Court Legal Interventions Task Force and cease to exist on January 1, 2009; and

BE IT FURTHER RESOLVED that the task force include one representative of the Department of Human Services; the Department of Health; the Hawaii Association of Marriage and

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1 Family Therapists; the Family Law Section of the Hawaii State  
2 Bar Association; the National Association of Social Workers,  
3 Hawaii Chapter; the Children's Rights Council; the Hawaii  
4 Coalition for Dads; Legal Aid Society of Hawaii; Volunteer Legal  
5 Services Hawaii; the Hawaii State Coalition Against Domestic  
6 Violence; the Domestic Violence Clearinghouse and Legal Hotline;  
7 the Mediation Center of the Pacific; EPIC Ohana Conferencing;  
8 and the Hawaii Psychological Association; and  
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10 BE IT FURTHER RESOLVED that the task force submit an  
11 interim report, including any proposed legislation, no later  
12 than twenty days prior to the convening of the Regular Session  
13 of 2008, and submit a final report, including any proposed  
14 legislation, no later than twenty days prior to the convening of  
15 the Regular Session of 2009; and  
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17 BE IT FURTHER RESOLVED that certified copies of this  
18 Concurrent Resolution be transmitted to the President of the  
19 Senate, the Speaker of the House of Representatives, the Chair  
20 of the Senate Committee on Human Services and Public Housing,  
21 the Chair of the House Human Services and Housing Committee, the  
22 Chair of the Senate Committee on Judiciary and Labor, the Chair  
23 of the House Judiciary Committee, the Director of Human  
24 Services, the Director of Health, President of the Board of  
25 Directors of the Hawaii Association of Marriage and Family  
26 Therapists, Chair of the Family Law Section, President of the  
27 Hawaii State Bar Association, Executive Director of the Hawaii  
28 Chapter of the National Association of Social Workers, President  
29 of the Children's Rights Council of Hawaii, President of the  
30 Hawaii Coalition for Dads, President of the Legal Aid Society of  
31 Hawaii, Executive Director of Volunteer Legal Services Hawaii,  
32 Executive Director of the Hawaii State Coalition Against  
33 Domestic Violence, Executive Director of the Domestic Violence  
34 Clearinghouse and Legal Hotline, President of the Board of  
35 Directors of the Mediation Center of the Pacific, Director of  
36 EPIC Ohana Conferencing, President of Hawaii Psychological  
37 Association, and the Chief Justice of the Hawaii Supreme Court.  
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39  
40

OFFERED BY:

*Alan M. Sorenson*  
*Michael R.*

