

JAN 24 2007

SENATE CONCURRENT RESOLUTION

REQUESTING THE COMMITTEES ON HUMAN SERVICES OF THE SENATE AND
THE HOUSE OF REPRESENTATIVES TO CONVENE ONE OR MORE TASK
FORCES DURING THE INTERIM TO FURTHER STUDY AND MAKE
RECOMMENDATIONS REGARDING ISSUES IDENTIFIED BY THE FAMILY
COURT MODELS COMMITTEE.

1 WHEREAS, in the 2006 Regular Session, the Senate and the
2 House of Representatives adopted Senate Concurrent Resolution
3 No. 52, S.D. 1, authorizing the Committees on Human Services of
4 the Senate and the House of Representatives to convene interim
5 hearings on the use of legal interventions available to the
6 Family Court; and

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

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13 WHEREAS, after hours of hard work and meetings, the Family
14 Court Models Committee submitted its findings and
15 recommendations to the Committees on Human Services of the
16 Senate and the House of Representatives, which adopted its
17 recommendation regarding the need to further study certain
18 outstanding issues related to its proposed Family Court
19 Parenting Plan Model; and

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21 WHEREAS, the Family Court Models Committee found that:

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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;
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28 (2) Child custody matters involving domestic violence
29 should be exempt from the process and should be



1 screened out at any time in addition to an initial
2 screening before participation in the process;

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4 (3) After the initial screening for domestic violence,
5 parents should participate in an expanded version of
6 Kids First that includes:

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8 (A) Education about parenting after divorce;

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10 (B) Parenting roles within one home and across homes;

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12 (C) Optional advanced parenting education;

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14 (D) An opportunity for children to provide their
15 activities schedules;

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17 (E) An introduction to the concept of a parenting
18 plan; and

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20 (F) An overview of divorce and paternity procedures;

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22 (4) If the parents are unable to develop a parenting plan
23 after participation in the expanded version of Kids
24 First, the parents should meet with a Trained
25 Parenting Plan Facilitator for a series of
26 facilitations, if necessary, to assist with their
27 development of a parenting plan;

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29 (5) The Trained Parenting Plan Facilitator should be able
30 to make confidential recommendations for services to
31 either parent at any time in the process;

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33 (6) The process should be confidential, non-adversarial,
34 without the presence of attorneys, and the parents
35 should have the same Trained Parenting Plan
36 Facilitator throughout the process;

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38 (7) If after participating in the process the parents
39 still cannot develop a parenting plan, they should
40 proceed to family court with any agreed upon issues
41 standing and for resolution of the outstanding issues;
42 and
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(8) The parents should have the same judge throughout the child custody proceedings; and

WHEREAS, the Family Court Models Committee also identified the following issues during the formulation of its Family Court Parenting Plan Model that require further consideration:

(1) There is a need to assess the level of children's involvement in the process, including the possibility of expanding services to meet children's needs in regard to the impact of a child custody dispute;

(2) There is a need to research and recommend best practices in the development of a parenting plan; and

(3) There is a need to research and recommend best practices in the training and qualifications of the trained parenting plan facilitator, including training on the issues facing both the petitioner and the respondent; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, the House of Representatives concurring, that the Committees on Human Services of the Senate and the House of Representatives are requested to convene one or more task forces during the interim to further study and make recommendations regarding the issues identified by the Family Court Models Committee; and

BE IT FURTHER RESOLVED that each task force should include one representative of the Judiciary, the Research Corporation of the University of Hawaii, the legal community, a children's advocacy organization, a social work organization, a domestic violence organization, an organization representing the interests of petitioners, and an organization representing the interests of respondents; and

BE IT FURTHER RESOLVED that the task force is requested to submit a report, including any proposed legislation, no later than twenty days prior to the convening of the Regular Session of 2008; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the President of the



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1 Senate, the Speaker of the House of Representatives, the Chair
2 of the Senate Committee on Human Services, the Chair of the
3 House Committee on Human Services, the Chief Justice, and the
4 Executive Director of the Research Corporation of the University
5 of Hawaii.
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