

JAN 24 2007

SENATE CONCURRENT RESOLUTION

REQUESTING THE OFFICE OF THE AUDITOR TO ASSESS THE FAMILY
COURT'S HANDLING OF DOMESTIC VIOLENCE MATTERS IN THE FIRST
CIRCUIT FAMILY COURT.

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 recommendations regarding the need to evaluate the current
18 assessment of domestic violence matters and the possible
19 establishment of a domestic violence court in the First Circuit
20 Family Court; and
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22 WHEREAS, the Family Court Models Committee identified a
23 need for child custody matters involving domestic violence to be
24 properly screened or assessed early in the Family Court process
25 and proposed the possible creation of a special processing
26 mechanism or a domestic violence court to improve the handling
27 and the outcomes of these cases; and
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29 WHEREAS, similar initiatives have been launched in other
30 states, such as New York where a coordinated response to
31 domestic violence has helped improve victim safety and enhance
32 defendant accountability; and
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1 WHEREAS, New York's state court system is also piloting
2 integrated domestic violence courts that enable one judge to
3 oversee criminal cases, orders of protection, custody,
4 visitation, and divorce matters for one family; and
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6 WHEREAS, two of the goals of such an integrated domestic
7 violence court are to limit the multiple court systems that
8 litigants have to navigate and to reduce the risk of conflicting
9 orders; and
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11 WHEREAS, an analysis should be conducted of Hawaii's
12 current procedures for addressing child custody matters
13 involving domestic violence to determine if Hawaii's state court
14 system is following best practices in that area and if the
15 establishment of a separate domestic violence court would better
16 serve the needs of the community; now, therefore,
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18 BE IT RESOLVED by the Senate of the Twenty-fourth
19 Legislature of the State of Hawaii, Regular Session of 2007, the
20 House of Representatives concurring, that the Office of the
21 Auditor is requested to access the Family Court's handling of
22 domestic violence matters in the First Circuit Family Court; and
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24 BE IT FURTHER RESOLVED that the Office of the Auditor is
25 requested to:
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- 27 (1) Examine the current policies, procedures, and
28 operations of the First Circuit Family Court for
29 screening or assessing child custody matters involving
30 domestic violence;
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- 32 (2) Examine the current policies, procedures, and
33 operations of the First Circuit Family Court for
34 addressing child custody matters involving criminal
35 and civil domestic violence; and
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- 37 (3) Establish findings and develop recommendations on how
38 the First Circuit Family Court may better serve
39 litigants and children involved in domestic violence
40 related child custody cases; and
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42 BE IT FURTHER RESOLVED that the Office of the Auditor is
43 requested to report its findings, including any proposed



S.C.R. NO. 9

1 legislation, no later than twenty days prior to the convening of
2 the Regular Session of 2008; and
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4 BE IT FURTHER RESOLVED that certified copies of this
5 Concurrent Resolution be transmitted to the Auditor and the
6 Chief Justice.
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OFFERED BY: Theranne Chun Oalland
Carol Fulem

