

MAR 14 2007

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## SENATE RESOLUTION

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REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO CONSIDER  
AMENDING CURRENT CHILD CUSTODY AND VISITATION CRITERIA AND  
PROCEDURES TO SPECIFY WHAT THE FAMILY COURT SHALL CONSIDER  
WHEN DETERMINING THE BEST INTERESTS OF THE CHILD.

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

7  
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

12  
13 WHEREAS, after hours of hard work and meetings, the Best  
14 Interests of the Child Committee submitted its findings and  
15 recommendations to the Committees on Human Services of the  
16 Senate and the House of Representatives, regarding the possible  
17 amendment of current child custody and visitation criteria and  
18 procedures to specify what the Family Court shall consider when  
19 determining the best interests of the child; and

20  
21 WHEREAS, it was recommended that when determining what  
22 constitutes the best interests of the child under section  
23 571-46, Hawaii Revised Statutes, the court consider, but not be  
24 limited to:

- 25  
26 (1) Any history of sexual or physical abuse of a child by  
27 either parent;  
28  
29 (2) Any history of neglect or emotional abuse of the child  
30 by either parent;  
31  
32 (3) The overall quality of the parent-child relationship;  
33



- (4) The parents' history of shared parenting before, during, and after their separation;
- (5) A parent's new partner's contribution to the parenting of the child;
- (6) The parents' affection for the child;
- (7) The willingness of each parent to allow the child to maintain contact with the other parent;
- (8) The parents' cooperation in developing and implementing a plan to meet the child's schedule, needs, and interests;
- (9) The physical health needs of the child;
- (10) The emotional needs of the child;
- (11) Any fears the child has about the current family situation;
- (12) The educational needs of the child;
- (13) The child's affection for each parent;
- (14) Preservation of assets so a parent can financially provide for the child following the issuance of the divorce decree;
- (15) Each parent's support of teaching the child age-appropriate life skills;
- (16) The child's views and preferences;
- (17) The child's need for relationship with sibling(s);
- (18) Each parent's ability to provide an age-appropriate safe environment for the child;
- (19) Each parent's willingness to allow the child to maintain family connections through family events and activities;



1 (20) Each parent's ability to separate the child's needs  
2 from their own;

3  
4 (21) Any drug or alcohol abuse by either of the parents;

5  
6 (22) The mental health and psychological adjustment of each  
7 parent;

8  
9 (23) Each parent's willingness to protect the child from  
10 inter-parental conflict; and

11  
12 (24) A parent's criminal history, where the parent has been  
13 convicted of or has entered a plea of no contest to  
14 crimes that would pose a threat to the child; and

15  
16 WHEREAS, the Judiciary should convene a task force to  
17 consider amending current child custody and visitation criteria  
18 and procedures to specify what the Family Court shall consider  
19 when determining the best interests of the child; and

20  
21 WHEREAS, the task force should consider the recommendations  
22 made by the Best Interest of the Child Committee; now,  
23 therefore,

24  
25 BE IT RESOLVED by the Senate of the Twenty-fourth  
26 Legislature of the State of Hawaii, Regular Session of 2007,  
27 that the Judiciary is requested to convene a task force to  
28 consider amending current child custody and visitation criteria  
29 and procedures to specify what the Family Court shall consider  
30 when determining the best interests of the child; and

31  
32 BE IT FURTHER RESOLVED that the task force should include  
33 at least one representative of the Judiciary, the legal  
34 community, a children's advocacy organization, a social work  
35 organization, a children's violence organization, an  
36 organization representing the interests of petitioners, and an  
37 organization representing the interests of respondents; and

38  
39 BE IT FURTHER RESOLVED that the task force is requested to  
40 consider the recommendations made by the Best Interest of the  
41 Child Committee formed pursuant to S.C.R. No. 52, S.D. 1 (2006);  
42 and  
43



1 BE IT FURTHER RESOLVED that the task force is requested to  
2 submit a report, including any recommendations for legislation,  
3 to the Legislature no later than twenty days prior to the  
4 convening of the Regular Session of 2008; and

5  
6 BE IT FURTHER RESOLVED that a certified copy of this  
7 Resolution be transmitted to the Chief Justice.  
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OFFERED BY: Shiranne Chun Oakland

*John A. ...*  
*Norman Sakemitsu*  
*Greg L. ...*  
*Rosalyn H. Baker*

