THE SENATE TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII S.R. NO. 139

MAR 1 4 2007

SENATE RESOLUTION

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.

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

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

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

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:

- (1) Any history of sexual or physical abuse of a child by either parent;
- 29 (2) Any history of neglect or emotional abuse of the child30 by either parent;
 - (3) The overall quality of the parent-child relationship;
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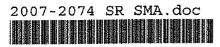
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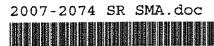


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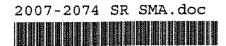
1 2 2	(4)	The parents' history of shared parenting before, during, and after their separation;
3 4 5	(5)	A parent's new partner's contribution to the parenting of the child;
6 7 8	(6)	The parents' affection for the child;
9 10	(7)	The willingness of each parent to allow the child to maintain contact with the other parent;
11 12 13 14	(8)	The parents' cooperation in developing and implementing a plan to meet the child's schedule, needs, and interests;
15 16	(9)	The physical health needs of the child;
17 18 19	(10)	The emotional needs of the child;
20 21 22	(11)	Any fears the child has about the current family situation;
22 23 24	(12)	The educational needs of the child;
25 26	(13)	The child's affection for each parent;
27 28 29 30	(14)	Preservation of assets so a parent can financially provide for the child following the issuance of the divorce decree;
31 32 33	(15)	Each parent's support of teaching the child age-appropriate life skills;
34 35	(16)	The child's views and preferences;
36 37	(17)	The child's need for relationship with sibling(s);
38 39 40	(18)	Each parent's ability to provide an age-appropriate safe environment for the child;
40 41 42 43 44	(19)	Each parent's willingness to allow the child to maintain family connections through family events and activities;



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1 2 3	(20)	Each parent's ability to separate the child's needs from their own;	
4 5	(21)	Any drug or alcohol abuse by either of the parents;	
5 6 7 8	(22)	The mental health and psychological adjustment of each parent;	
9 10	(23)	Each parent's willingness to protect the child from inter-parental conflict; and	
11 12 13 14 15	(24)	A parent's criminal history, where the parent has been convicted of or has entered a plea of no contest to crimes that would pose a threat to the child; and	
16 17 18 19	WHEREAS, the Judiciary should 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; and		
20 21 22 23 24	WHEREAS, the task force should consider the recommendations made by the Best Interest of the Child Committee; now, therefore,		
25 26 27 28 29 30	BE IT RESOLVED by the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, that the Judiciary is requested 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; and		
31 32 33 34 35 36 37 38	at least of community, organization	F FURTHER RESOLVED that the task force should include one representative of the Judiciary, the legal , a children's advocacy organization, a social work ion, a children's violence organization, an ion representing the interests of petitioners, and an ion representing the interests of respondents; and	
39 40 41 42 43	consider t	F FURTHER RESOLVED that the task force is requested to the recommendations made by the Best Interest of the nittee formed pursuant to S.C.R. No. 52, S.D. 1 (2006);	



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

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:

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