

STAND. COM. REP. NO.

1392

Honolulu, Hawaii

MAR 30 2007

RE: S.C.R. No. 12
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committees on Human Services and Public Housing and
Judiciary and Labor, to which was referred S.C.R. No. 12 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE
REFERENCE BUREAU TO STUDY JOINT OR SHARED PHYSICAL AND LEGAL
CUSTODY PRESUMPTIONS IN FAMILY LAW AS ENACTED AND APPLIED BY
OTHER JURISDICTIONS,"

beg leave to report as follows:

The purpose of this measure is to request the Legislative
Reference Bureau to study joint or shared physical and legal
custody presumptions in family law as enacted and applied by other
jurisdictions.

Two individuals submitted testimony in support of this
measure. The Legislative Reference Bureau, Oahu VOICES, and two
individuals submitted comments.

During the interim, the Committees on Human Services of the
Senate and the House convened a task force to examine issues
pertaining to the Hawaii Family Court. Due to time constraints,
the task force was unable to fully explore the issue of whether,
in a divorce proceeding, a rebuttable presumption should exist
that states that parents should share equally in the parenting of
the child. Task force members are interested in how other states
address the issue before determining whether a similar rebuttable
presumption should be established in Hawaii Family Court. This
measure will assist the task force in its deliberations.

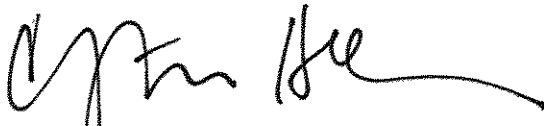


Your Committees have amended this measure, based on the Legislative Reference Bureau's testimony, by:

- (1) Deleting the request that the study include a review and comparison of other countries' statutes relating to joint or shared physical and legal custody presumptions; and
- (2) Deleting the request that the study include a review of data regarding joint physical and joint legal custody requests in Hawaii Family Court actions.

As affirmed by the records of votes of the members of your Committees on Human Services and Public Housing and Judiciary and Labor that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 12, as amended herein, recommend that it be referred to the Committee on Ways and Means, in the form attached hereto as S.C.R. No. 12, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committees on Human Services
and Public Housing and
Judiciary and Labor,



CLAYTON HEE, Chair



SUZANNE CHUN OAKLAND, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Human Services and Public Housing
HSP

Bill / Resolution No.:* SCB 12	Committee Referral: HSP/JDL, WAM	Date: 3-27-07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
HOOSER, Gary L.	✓			
SAKAMOTO, Norman				✓
HEMMINGS, Fred				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes

The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <i>SCR 12</i>	Committee Referral: <i>HSP/SDL WAM</i>	Date: <i>3-27-07</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
INOUYE, Lorraine R.				/
NISHIHARA, Clarence K.	/			
GABBARD, Mike	/			
TOTAL	<i>4</i>			<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Russell S. Kohl</i></div>				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

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