

STAND. COM. REP. NO.

1809

Honolulu, Hawaii

APR 13 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 Committee on Ways and Means, to which was referred  
S.C.R. No. 12, S.D. 1, 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,"

begs leave to report as follows:

The purpose of this Concurrent Resolution is to request the  
Legislative Reference Bureau to study joint and shared physical  
and legal custody presumptions in other states.

The Legislative Reference Bureau submitted comments on the  
measure.

Your Committee finds that the Senate and House Committees on  
Human Services convened interim hearings on the use of legal  
interventions available to the Hawaii family court. The task  
force established during these hearings was unable to resolve all  
issues and concerns discussed. One of several unresolved issues  
is whether other states apply the rebuttable presumption that in a  
divorce proceeding, both parents should equally share in the  
parenting and thus have joint or shared physical and legal custody  
of a child.

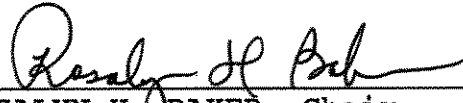
Your Committee further finds that a study regarding these  
presumptions would clarify for the task force whether to recommend  
statutory enactment of such a presumption.

SCR12 SD1 SSCR LRB 07-4153.doc



As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 12, S.D. 1, and recommends its adoption.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,




ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR12 SD1	HSP/JDL, WAM	4/11/07		
<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 checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	/			
TSUTSUI, Shan S. (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani				/
FUKUNAGA, Carol	/			
HOOSER, Gary L.	/			
KIM, Donna Mercado				/
MENOR, Ron				/
TOKUDA, Jill N.				/
HEMMINGS, Fred	/			
WHALEN, Paul				/
<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>5</b>
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