

JAN 16 2008

A BILL FOR AN ACT

RELATING TO FAMILY COURT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Existing law allows the court to order an
2 investigation and report concerning the care, welfare, and
3 custody of a minor child of the parties, in a contested custody
4 case. In such a case, investigators or professional personnel
5 attached to or assisting the court shall make investigations and
6 reports which shall be made available to all interested parties
7 and counsel before the hearing. This Act defines such court-
8 appointed investigators or professional personnel as child
9 custody evaluators, and establishes the procedures for
10 determining, and requirements for their education, experience,
11 training, methodology and certification. This includes
12 establishing related responsibilities for the board of family
13 court judges and the courts.

14 SECTION 2. The Hawaii Revised Statutes is amended by
15 adding six new sections to be appropriately designated and to
16 read as follows:

17 "§ -1 Definitions.



1 "Board" means the board of family court judges per section
2 571-5.

3 "Child custody evaluator" means all court-appointed
4 investigators or professional persons directed by the court to
5 make investigations and reports pursuant to section 571-46.

6 "Eligible training providers" includes the administrative
7 office of the courts and may include educational institutions,
8 professional associations, professional continuing education
9 groups, public or private for-profit or not-for-profit groups,
10 court-connected groups and any entity that provides a course or
11 seminar that may qualify for child custody evaluator continuing
12 education requirements.

13 "Mentor" means a person who meets all the education,
14 experience, training and other requirements and is certified as
15 a child custody evaluator under this chapter, and who oversees,
16 supervises and consults for a court-appointed child custody
17 evaluator who does not meet the experience requirements of this
18 chapter.

19 § -2 Board and family court responsibilities. (a) On
20 or before January 1, 2010, the board shall establish and
21 maintain statewide policies and procedures that establish all
22 education, experience, training, methodology, ethical standards,



1 certification and other requirements for all child custody
2 evaluators appointed pursuant to this chapter. These policies
3 and procedures shall also include:

4 (1) Comprehensive standards for investigations,
5 evaluations, and reporting, as related to child
6 custody;

7 (2) The monitoring and handling of complaints against
8 child custody evaluators and coordinating with
9 professional licensing boards;

10 (3) Disqualification or decertification of child custody
11 evaluators based upon convictions, criminal charges,
12 relevant civil actions or complaints, or ethical
13 violations; and

14 (4) An administrative appeal process for both parties and
15 child custody evaluators, as related to the
16 application of this chapter and established policies.

17 (b) The family court shall administer procedures for
18 certifying and decertifying child custody evaluators. The
19 family court shall certify that child custody evaluators meet
20 the necessary requirements of this chapter, and established
21 policies and procedures, and no person may be appointed as a



1 child custody evaluator unless certified or appointed pursuant
2 to this chapter.

3 **§ -3 Child custody evaluator annual declaration.** The
4 family court shall require a child custody evaluator to declare
5 annually under penalty of perjury:

- 6 (1) That he or she meets all of the required education,
7 experience, training and other requirements specified
8 in or derived from this section, and if applicable,
9 possesses a license in good standing; and
- 10 (2) Whether he or she has any convictions, criminal
11 charges, relevant civil actions or complaints, or
12 ethical violations lodged or filed against them.

13 **§ -4 Licensing requirements.** (a) No person may be a
14 child custody evaluator under this chapter unless the person
15 meets one or the following licensing criteria and is in good
16 standing as a:

- 17 (1) Social worker;
18 (2) Marriage and family therapist;
19 (3) Psychologist; or
20 (4) Psychiatrist.

21 This section shall not apply in any case where the court
22 determines that there are no child custody evaluators who meet



1 the criteria of this section who are willing and available,
2 within a reasonable period of time, to perform child custody
3 evaluations. In those cases, the parties may stipulate to an
4 individual who does not meet the criteria of this section,
5 subject to approval by the court.

6 (b) A child custody evaluator who is licensed shall be
7 subject to disciplinary action by that board for unprofessional
8 conduct, as defined in the licensing law applicable to that
9 licensee.

10 **§ -5 Education and experience.** Every child custody
11 evaluator must meet minimum education and experience
12 requirements, as determined by the board.

13 (1) The board shall establish the minimum educational
14 standards for child custody evaluators. These
15 standards shall require all child custody evaluators
16 to utilize comparable interview, assessment, testing
17 and reporting methodologies and procedures for all
18 parties that are consistent with generally accepted
19 clinical, forensic, scientific, diagnostic, or medical
20 standards. These standards shall also require child
21 custody evaluators to inform each adult party of the
22 purpose, nature, and method of the evaluation.



1 (2) The board shall establish the minimum experience
2 requirements for child custody evaluators. If any
3 experience requirements are lacking for a prospective
4 child custody evaluator, procedures for assigning a
5 mentor and defining his or her responsibilities toward
6 the prospective child custody evaluator may be used to
7 ensure qualified oversight exists during the custody
8 evaluation process.

9 (A) Mentors shall be assigned on a case by case
10 basis.

11 (B) Conditions on the continued use of mentors, by an
12 individual prospective child custody evaluator,
13 shall be established to ensure the necessary
14 experience requirements are completed in a timely
15 manner.

16 (C) No compensation for mentoring shall be charged to
17 the case or the parties.

18 § -6 Continuing training. The board shall establish the
19 minimum child custody evaluator annual continuing training
20 requirements and policies for the use of eligible training
21 providers.



1 (1) Training approved by professional licensing boards, or
2 by national or local eligible training providers, as
3 qualifying for child custody evaluator training, may
4 count towards these annual requirements.

5 (2) Eligible training providers shall:

6 (A) Develop procedures to verify that participants
7 complete the applicable education and training
8 program; and

9 (B) Distribute a statement or certificate of
10 completion to each person who has completed the
11 training.

12 The statement or certificate must document the number
13 of hours of training offered, the number of hours the
14 person completed, the dates of the training, and the
15 name of the training provider.

16 (3) Education and training courses that were taken between
17 January 1, 2007, and January 1, 2010, may be applied
18 toward the requirements of this section if they
19 addressed the required subjects and either were
20 certified or approved for continuing education credit
21 by a professional provider group or were offered as



Report Title:

Family Court; Child Custody Evaluator Training and Certification Program

Description:

Establishes the procedures and requirements for child custody evaluator training and certification.

