

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2054
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2054, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURT,"

begs leave to report as follows:

The purpose of this measure is to amend the best interest of
the child criteria and procedures the family court must consider
in making a custody or visitation determination concerning a minor
child.

Testimony in support of this measure was submitted by the
Hawaii State Coalition Against Domestic Violence, Statewide
VOICES, State Commission on Fatherhood, and eight private
individuals. Your Committee received comments from the Judiciary
with a suggested additional amendment to the measure.

This measure recognizes the impact of domestic violence on
determining the best interest of the child. Your Committee finds
that the Committee on Human Services and Public Housing, in its
review of this measure, disallowed consideration of each parent's
cooperation to meet the child's ongoing needs, interests, and
schedule, where family violence has been committed by a parent.
Your Committee has considered the suggestion made by the Judiciary
that a parent's "willingness" to maintain family connections also
should not be considered when domestic violence has been committed
by a parent.



Accordingly, your Committee has amended this measure by:

- (1) Providing that each parent's willingness to allow the child to maintain family connections through family events and activities shall not be considered in determining the best interest of the child, where the court has determined that family violence has been committed by a parent;
- (2) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (3) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2054, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2054, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2054 JDI	HSP, JDL	2/28/08

The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	/			
HEE, Clayton (VC)				/
GABBARD, Mike				/
KOKUBUN, Russell S.	/			
NISHIHARA, Clarence K.	/			
SLOM, Sam	/			
TOTAL	4			2

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes