

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2055
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. 2055, 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 establish procedures and requirements for child custody evaluator training, and certification, and to establish related responsibilities for the board of family court judges and the courts.

Your Committee received testimony in support of this measure from the Hawaii State Coalition Against Domestic Violence, the National Association of Social Workers, Statewide VOICES, the State Commission on Fatherhood, and seven private individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee notes the following comments and concerns expressed in the Judiciary's testimony:

- (1) Currently, finding resources within the Judiciary to provide certification and oversight, and to administer an administrative appeals process, would be difficult;
- (2) The Department of Commerce and Consumer Affairs might be a more appropriate oversight entity than the Judiciary;



- (3) The Family Court of the First Circuit has developed a specialized unit of social workers trained to provide custody evaluator services to indigent parties whose exemption from licensure requirements under section 467E-6(2), Hawaii Revised Statutes, might be impaired by the provisions of this measure; and
- (4) Because this bill precludes attorneys from serving as custody evaluators, it may make it more difficult for parties to find custody evaluators who meet the enumerated requirements. Although the Family Court of the First Circuit no longer maintains a list of possible custody evaluators, of the thirty-one who served as custody evaluators in the past, twenty-five were attorneys. In the Second, Third and Fifth Circuits, five out of twelve private custody evaluators are attorneys.

Accordingly, your Committee has amended this measure by:

- (1) Amending the definition of "child custody evaluator" to exclude social workers employed by the Judiciary, to retain the current exemption from licensure requirements under section 467E-6(2), Hawaii Revised Statutes, that applies to a specialized unit of Judiciary social workers trained to provide custody evaluator services to indigent parties;
- (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. 2055, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2055, S.D. 2.



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



Brian T. Taniguchi
BRIAN T. TANIGUCHI, Chair



