



Testimony to the Twenty -Fourth State Legislature, 2008 Session

House Committee on Human Services & Housing
The Honorable Maile S.L. Shimabukuro, Chair
The Honorable Karl Rhoads, Vice Chair

Thursday, January 24, 2008, 8:30 a.m.
State Capitol, Conference Room 329

by
Frances Q.F. Wong
Senior Judge / Deputy Chief Judge
Family Court, First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2037, Relating to Family Court

Purpose: Establishes procedures and requirements for child custody evaluator training and certification.

Judiciary's Position:

The Judiciary respectfully submits the following comments on this bill.

First, it would be difficult to find resources currently within the Judiciary to: 1) provide "certification," 2) provide oversight, and 3) administer an administrative appeals process.

Second, it may be that the Department of Commerce and Consumer Affairs is the more appropriate oversight entity because they deal regularly with professionals and their respective licensing Boards.

Thank you for the opportunity to provide testimony on this matter.

**PRESENTATION OF THE
BOARD OF MEDICAL EXAMINERS**

TO THE HOUSE COMMITTEE ON
HUMAN SERVICES AND HOUSING

TWENTY-FOURTH LEGISLATURE
Regular Session of 2008

Thursday, January 24, 2008
8:30 a.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON HOUSE BILL NO. 2037, RELATING TO FAMILY COURT.

TO THE HONORABLE MAILE S.L. SHIMABUKURO, CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Board of Medical Examiners ("Board") thanks you for the opportunity to provide written testimony on H.B. No. 2037, which proposes to establish the procedures and requirements for child custody evaluator training and custody.

The Board takes no position on the content of this bill but would like to recommend a revision to page 4, line 20. Because psychiatrists are licensed as physicians and not as psychiatrists, it would be more in line with the licensing scheme to replace "psychiatrist" with "physician specializing in psychiatry".

Thank you for the opportunity to provide written comments on this bill.

January 22, 2008

TO: Chair Maile Shimabukuro
And members of the House Health Committee
FROM: Debbie Shimizu
National Association of Social Workers (NASW)
RE: HB 2037 Relating to Family Court; Child Custody Evaluation Training and Certification Program - **SUPPORT with amendments**

Chair Shimabukuro and members of the House Health Committee, I am Debbie Shimizu, Executive Director of the National Association of Social Workers, Hawaii Chapter (NASW). NASW **supports HB 2037** to establish procedures and requirements for child custody evaluator training and certification and **recommends one amendment**

We agree that licensed social workers should be among the group of practitioners conducting custody evaluations for the family court. Furthermore, we agree that minimum training and education requirements as well as continuing education units should be established in order to better serve families with contested custody issues.

Child custody evaluation in the context of parental divorce can be an extremely demanding task. For competing parents the stakes are high as they participate in a process that is fraught with tension and anxiety. Social workers are trained to conduct assessments in such emotionally charged situations and can provide an important service to children and the courts by providing competent, objective, impartial information in assessing the best interests of a child.

HB 2037 names licensed social workers among the group of professionals best positioned to conduct quality evaluations in contested child custody cases. While most states are silent on who is qualified to conduct child custody evaluations and what the guidelines are for conducting such evaluations, two states, California and Utah, explicitly authorize social workers to conduct child custody evaluations (California, 2002; Utah, 2007). Moreover, the Louisiana State Board of Social Work Examiners (1998) and the Oregon Chapter of NASW (2005), have both adopted standards to guide social workers who perform child custody evaluations.

I would like to recommend one amendment on page 5, line 7. The statute to license social workers, HRS 467E, does not establish a board to handle disciplinary actions. Instead our licensing program is administered by the Director of DCCA and may receive assistance from an advisory committee of licensed social workers to implement the statute. Therefore, language should be added on page 5 line 7 **“A child custody evaluator who is licensed shall be subject to disciplinary action by that board or department director for unprofessional conduct, as defined in the licensing law applicable to that licensee”.**

Passage of HB 2037 would help ensure that Hawaii's families received quality assessments and recommendation when a custody evaluation is required. We urge your favorable consideration of HB 2037.

Thank you for the opportunity to testify.



TO: Maile Shimabukuro, Chair
Karl Rhoads, Vice Chair
Members of the Committee

FR: Nanci Kreidman, M.A.
Executive Director

RE: HB 2037

Aloha. We are in support of improved strategies to recruit, secure, assess and train those professionals in our community with the esteemed responsibility for evaluating custody and making recommendations to the Family Court.

It is important that our community have the resources and the commitment to a process which assures a thorough and safe outcome. Creating a system or a protocol that cannot be implemented, is too unwieldy, or too costly, we will not achieve the desired goal.

We are grateful for the discussion and the attention to this important issue, ultimately impacting the well-being and safety of our community's children, and families.