

January 24, 2008

To: Senator Chun Oakland, Chair
Senator Ihara, Jr., Vice Chair
Committee on Human Services and Public Housing

LATE

From: Tom Marzec

Subj: Testimony **IN STRONG SUPPORT** of **SB2054** re factors the courts shall consider in determining the best interest of the child

Hearing: Thursday, January 24, 2008; 1:30 p.m.; Room 016, State Capitol

I strongly support **SB2054**. The current lack of standards in determining what is in the best interests of the child is not effective for making custody determinations. This hurts parents and children. Creating these best interests of the child standards, with this bill, gives guidance to parents, the courts, custody evaluators, guardians, and others – while also providing discretion based on the facts and circumstances of each individual case.

In the development of this bill, there were concerns with criteria (5) (page 8, lines 8-10). The following proposed language, to replace the existing wording for criteria (5), was agreed to by Dara Carlin of VOICES, Ana Maring of the Hawaii State Coalition Against Domestic Violence, and myself.

"(5) Each parent's cooperation in developing and implementing a plan to meet the child's ongoing schedule, needs, and interests, except that this factor shall be excluded if a determination by the court has been made that family violence has been committed by a parent, pursuant to section 571-46(a)(9);"

This wording was circulated to the entire SR10 Family Court Legal Interventions Working Group (FCLIWG), and no other feedback was received. Therefore, I recommend replacing the existing criteria (5) language with the above version.

One other minor grammatical correction is recommended: on page 7, lines 20-21, the phrase "but not be limited to" should be preceded and followed by commas.

Your consideration of this bill, and outstanding support for the FCLIWG is very appreciated!

Sincerely,



Thomas A. Marzec