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**PRESENTATION OF THE  
PROFESSIONAL AND VOCATIONAL LICENSING DIVISION**

TO THE HOUSE COMMITTEE ON FINANCE

TWENTY-FOURTH LEGISLATURE  
Regular Session of 2008

Agenda # 1  
Wednesday, April 2, 2008  
2:00 p.m.

**TESTIMONY ON SENATE BILL NO. 2055, S.D. 2, H.D. 1, RELATING TO FAMILY COURT.**

TO THE HONORABLE MARCUS R. OSHIRO, CHAIR,  
AND MEMBERS OF THE COMMITTEE:

My name is Celia Suzuki, testifying on behalf of the Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs ("Department"). The Department appreciates the opportunity to testify in opposition to Senate Bill No. 2055, S.D. 2, H.D. 1.

It is our understanding that this bill requires child custody evaluators to be either licensed social workers, marriage and family therapists, psychologists, or physicians, all of which are currently licensed by the Department under their respective professions but not as child custody evaluators. This bill then proceeds to require the Department to take on a far greater role for these respective professions, by developing a regulatory

framework from scratch on the specialized education, experience, training, methodology, ethical standards, certification, and other requirements for what appears to be a newly regulated profession of child custody evaluators, and to develop comprehensive standards for investigations, evaluations, and reporting, as related to child custody.

**Like the Judiciary, we do not have the resources to undertake this workload. Unlike the Judiciary, we have no knowledge or expertise to even reasonably approach such a task.**

Further, while we are a licensing agency, it is a misconception to think that we are able to construct a regulatory framework. Instead, we are an agency that implements an enacted statutory regulatory framework that already contains the details for certification or licensing requirements and standards of practice.

Moreover, while the Judiciary may have its reasons for citing our Department to take the lead, we respectfully note that if any agency has the knowledge of the minimum standards sought for such **agents of the Court**, it is the Judiciary.

We respectfully ask you to delete any reference to the Department of Commerce and Consumer Affairs in this bill. Thereafter, we would have no further objections. Thank you for the opportunity to provide testimony in opposition to Senate Bill No. 2055, S.D. 2, H.D. 1.



*The Judiciary, State of Hawaii*

**Testimony to the House Committee on Judiciary**

The Honorable Marcus R. Oshiro, Chair  
The Honorable Marilyn B. Lee, Vice Chair

Wednesday, April 2, 2008, 2:00 p.m.  
State Capitol, Conference Room 308

By

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

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 2055, S.D. 2, H.D. 1, 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, currently, it would be difficult to find resources, within the Judiciary: 1) to administer procedures for certifying and decertifying child custody evaluators; and 2) to provide training oversight of custody evaluators.

Second, we support the amendments included in Senate Draft 2 of this bill which exclude social workers employed by the Judiciary from all of these provisions. The Judiciary supports the clarification that these Judiciary employees would be exempt from the policies in this bill and that such a provision would be included in the definition of "child custody evaluator." The Family Court of the First Circuit currently has developed a specialized unit of social workers trained to provide custody evaluator services to indigent parties. However, should this Committee disagree with the Senate Draft 2 amendments, then the Judiciary strongly supports the amendments provided in House Draft 1 which excludes these social workers from the



Senate Bill No. 2055, S.D. 2, H.D. 1, Relating to Family Court  
House Committee on Finance  
Wednesday, April 2, 2008  
Page 2

licensing provisions. The language in House Draft 1 is consistent with the current law. The provisions in HRS Section 467E-6(2) currently exempts social workers employed by a federal, state or county government agency in a social work position from the licensing requirements.

Last, this bill may make it more difficult for parties to find custody evaluators who are willing to meet the enumerated requirements. For example, on Oahu, there are only approximately 31 persons who served as custody evaluators - 25 of them are attorneys. In the Second Circuit (Maui), there are 2 attorneys and 3 others who have conducted custody evaluations in the past. In the Third Circuit (Big Island), there is 1 Family Court staff person, 3 attorneys and one other person who have conducted custody evaluations in the past. In the Fifth Circuit (Kaua'i), there were 3-4 people who have conducted custody evaluations in the past.

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



# HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

Hearing date and time: April 2, 2008, 2:00pm, Room 308

RE: SB2055 SD2 HD1 Relating to Family Court – Custody Evaluators

TO: Chair Oshiro, Vice Chair Lee and members of the Committee on Finance

FR: Ana Maring, Hawaii State Coalition Against Domestic Violence

Aloha, my name is Ana Maring and I represent the Hawaii State Coalition Against Domestic Violence (HSCADV). HSCADV is a private non-profit agency which serves as a touchstone agency for the majority of domestic violence programs throughout the state. For many years HSCADV has worked with the Hawaii Legislature by serving as an educational resource and representing the many voices of domestic violence programs and survivors of domestic violence.

HSCADV supports SB2055 SD2, HD1.

*"In courts throughout the country, judges in difficult custody cases often appoint "neutral" psychologists, psychiatrists, or social workers to conduct evaluations of the family and make reports to the court regarding their findings and recommendations. **All too often, custody evaluators in cases involving domestic violence fail to properly assess the "best interests of the child" and recommend custody to the abuser.** There are many causes for such seriously flawed evaluations. For example, **the evaluator may not be trained in how to conduct custody evaluations, may not be knowledgeable about domestic violence, may be charmed by the abuser, and may misinterpret the victim's attempts to protect her children as attempts to "alienate" the children against the other parent.** The evaluator may also administer tests to the parents that were not developed for use in custody cases and need to be carefully interpreted when a parent is a victim of domestic violence and may still be suffering from its effects, such as depression, post-traumatic stress, paranoia, etc. Similarly, the evaluator may not be aware that psychological tests cannot determine whether a parent is an abuser."* (Erickson, Nancy. **"Custody Evaluations in Cases Involving Domestic Violence: Problems and Solutions"** Paper presented at the annual meeting of the AMERICAN SOCIETY OF CRIMINOLOGY, Nov 14, 2007)

Joint and shared/joint custody may be an appropriate parenting situation in non-violent families. When domestic violence has been present in the relationship, shared/joint custody and visitation can be dangerous for the victim and the children. Several studies suggest that up to half of spouse abusers are also violent with their children. Additionally, perpetrators of family violence often use visitation and custody as an opportunity to be violent or manipulate the victim.

The Family Court currently places the burden for certification is on the Custody Evaluator by requiring them to submit an annual certification under penalty of perjury. The Custody Evaluator would continue to be responsible and simply involves DCCA reviewing this form for accuracy and completeness.

The Coalition supports the training and certification of Custody Evaluators. It is imperative for Family Court and those involved with decision making understand the dynamics of intimate partner violence.

Thank you for the opportunity to comment.



TO: Marcus Oshiro, Chair  
Marilyn Lee, Vice Chair  
Members of the Committee on Finance

FR: Nanci Kreidman, M.A.  
Executive Director

RE: S.B. 2055, S.D. 2, H.D. 1

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.

## FINTestimony

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**From:** Dara Carlin, M.A. [breaking-the-silence@hotmail.com]  
**Sent:** Tuesday, April 01, 2008 11:09 AM  
**To:** FINTestimony  
**Subject:** SB2055 SD2 HD1 to be heard Wednesday, 04/02/08 at 10:00am by the House Finance Committee in Room 308

TO: Representative Marcus Oshiro, Chair  
Representative Marilyn Lee, Vice-Chair  
Members of the Finance Committee

FROM: Dara Carlin, M.A.  
Oahu VOICES  
716 Umi Street, Unit 210  
Honolulu, HI 96816  
(808) 832-9316 X106

DATE: April 2, 2008

RE: Support for SB2055 SD2 HD1

The Formerly Battered Womens Caucus, VOICES, under the Hawaii State Coalition Against Domestic Violence offers its support for this measure as it will provide a measure of safety for the children who have been exposed to domestic violence. Tragically, in most cases, domestic violence doesn't end once she leaves especially if there are children involved. If services have not been effective and a batterer does not have access to his primary victim any longer (due to separation, divorce, TRO) but has access to his children through custody/visitation, the risk of domestic violence changing into child abuse is significant. Because of post-separation violence dynamics, this transition from domestic violence to child abuse can be missed by the untrained eye.

For children who have escaped domestic violence, Custody Evaluators hold their safety in their hands which is why it is crucial for Custody Evaluators to be properly and adequately trained. Moreover, considering the heightened risk that these children are in, it is of equal importance that the Custody Evaluator be of good character and moral standing; not someone with a history of domestic violence, child abuse, substance abuse, etc. in their own personal lives - such people need not apply as having any such history is a potential risk to all children, not just children who've survived domestic violence.

SB2055 SD2 HD1 is simply good common sense; shouldn't we all be properly and adequately trained for a position we're employed in? I'd hate to go to an Emergency Room and discover that the person wearing the white coat whose supposed to treat me is there because they just felt like it or THINKS they can figure out how to treat whatever comes through the door, that they're NOT a trained medical professional - wouldn't you? The families and children who will need the services of a Custody Evaluator should be assured that they're in the hands of a properly trained and qualified professional if such a professional is placed in their lives.

Thank you for this opportunity to provide testimony.

Respectfully,

Dara Carlin, M.A.  
Oahu VOICES Representative

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## FINTestimony

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**From:** Ann Thornock on behalf of Rep. Marilyn Lee  
**Sent:** Tuesday, April 01, 2008 8:02 AM  
**To:** FINTestimony  
**Subject:** FW: Testimony in Support SB2055 Finance Wed April 2, 2pm Rm 308

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**From:** Adrienne King [mailto:adrienne@kingandking.com]  
**Sent:** Monday, March 31, 2008 11:11 PM  
**To:** Rep. Marcus Oshiro; Rep. Marilyn Lee; FINTestimony; Rep. Karen Awana; Rep. Della Belatti; Rep. Tom Brower; Rep. Mele Carroll; Rep. Faye Hanohano; Rep. Sharon Har; Rep. Jon Karamatsu; Rep. Michael Magaoay; Rep. Joey Manahan; Rep. Colleen Meyer; Rep. John Mizuno; Rep. Bob Nakasone; Rep. Kymberly Pine; Rep. Karl Rhoads; Rep. Roland Sagum; Rep. Calvin Say; Rep. James Tokioka; Rep. Gene Ward  
**Subject:** Testimony in Support SB2055 Finance Wed April 2, 2pm Rm 308

TO: Rep. Marcus Oshiro, Chair  
Rep. Marilyn Lee, Vice Chair  
Committee on Finance

From: Adrienne King, Member SR10 Working Group, Chair, Honolulu Family Court Professionals

Subj: Testimony in Support  
SB2055 SD2 HD1  
Relating the Family Court: Establishes procedures and requirements for child custody evaluator training and certification

Hearing: Wednesday, April 2, 2008; 2:00 p.m.; Room 308, State Capitol

Thank you for this opportunity to testify on behalf of this bill which is a product of the Senate Resolution 10 Family Court Legal Interventions Working Group (FCLIWG) of which I was a member. Your WG labored many hours from end of session last year up through the beginning of this session to draft this most needed legislation. Its support is broad based.

Contested child custody cases are the most difficult cases that our judiciary and the legal and mental health community has to deal with.

This bill seeks to establish a level of professionalism in order to assure the parents that the court is guided by the most qualified people in this very narrow field.

Insuring this professionalism will not only greatly ease the burden on the entire judicial system, but will serve to guide the warring parents to come to terms with how best to put their kids first when the kid's family is rent asunder. The very reason a family court task force was set up some 4 years ago was because of perceived or real abuses in the use of custody evaluators. Controlling the outcome of custody and visitation should be done based on sound principles guided by objective, trained professionals in the field, who care about what is best for the children, and not on who knows who in the family court network. Too often this whole issue is treated like a big game of "gotcha" and the losers are the children.

The language and intent of this legislation is consistent with Judge Wong's Family Court Custody Evaluation directive, which, while welcome and well received, does not have the force of law. Hawaii is way behind the rest of the country in this area. We used to be cutting edge, no longer. This legislation will at least lead us back in step with the the more progressive states in the nation and is long overdue.

It would appear that no money is required to be allocated at present as the procedures mandated in this bill are a work in progress and there is a requirement for a report to be submitted next session on how the procedures are working. Hawaii NEEDS this legislation to be passed out this session. I appreciate your support for the efforts of all of us in the SR10 group.

Respectfully submitted,

Adrienne King

## FINTestimony

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**From:** Myrna B.Murdoch [myrnam@hawaii.rr.com]  
**Sent:** Tuesday, April 01, 2008 3:19 PM  
**To:** FINTestimony  
**Subject:** Fw: SB2055 Agenda #1 House FIN on Wednesday, 04-02-08 at 2:00 pm inHouse conference room 308

----- Original Message -----

From: "Myrna B.Murdoch" <myrnam@hawaii.rr.com>  
To: <FINTestimony@Capitol.hawaii.gov>  
Cc: <testimony@capitol.hawaii.gov>  
Sent: Tuesday, April 01, 2008 8:13 AM  
Subject: Fw: SB2055 Agenda #1 House FIN on Wednesday, 04-02-08 at 2:00 pm inHouse conference room 308

> Subject: SB2055 Agenda #1 House FIN on Wednesday, 04-02-08 at 2:00 pm  
> in-House conference room 308  
>  
>  
> April 1, 2008  
>  
> To: Rep. Marcus OSHIRO, Yoshiro, Chair  
> Rep. Marilyn Lee, Vice Chair  
> Committee on Finance  
>  
> From: Myrna BE. Murdoch  
> Children's Rights Council of Hawaii, State of Hawaii Commissioner on  
> Fatherhood and Executive Director of International Affairs CRC of Washington  
> D.C.  
> Sub: Testimony IN STRONG SUPPORT of SB2055 re procedures and  
> requirements for child custody evaluator training and certification.  
>  
> Hearing: Wednesday, April 2, 2008; 2:00 p.m.Room 308, State Capitol  
>  
> I strongly support SB2055 and request that the bill pass as is.  
>  
> \* The implementation date of SB2055 is 2010, and the required  
> reports to the 2009 Legislature, per this bill, will allow for more  
> accurate and complete resource requirements evaluations by this  
> committee in 2009. There is no call for "judicial resources" at present.  
>  
> \*Cyrus Belt is dead due to "lack of judicial resources". Ruben Buentipo is  
> still in a coma after approximately 13 years due to "lack of judicial  
> resources". Peter Boy Kama is still missing due to "lack of judicial  
> resources". How many more of Hawaii's children must be sacrificed due to  
> "lack of judicial resources?". SB 2055 does not require ANY JUDICIAL  
> RESOURCES. And by next year, the legislature will have a breakdown of  
> existing resources that may be reallocated to help move SB2055 forward.  
>  
> \* The Judge Wong Custody Evaluation Standards and Procedures Memo  
> dated June 1, 2007 has already created the bulk of the procedures and  
> requirements in this bill. This bill adds some key missing pieces and  
> makes these same standards, procedures and policies uniform in all circuits.  
> No money is needed now.  
>  
> \* SB2055 coupled with SB2054 which lists factors the courts shall consider  
> in  
> determining the best interest of the child, positively impact how child  
> custody decisions shall be performed and underscores the importance of  
> children to the taxpayers of Hawaii.  
>

> As Convener of the SR10 Best Interest of the Child Committee and member of  
> the SR10 Family Court Legal Interventions Working Group (FCLIWG) that  
> developed this bill, I saw firsthand  
> the need for such legislation. Collaboration of task force members  
> included family  
> law attorneys, psychologists specializing in child custody cases,  
> social workers, marriage and family therapists performing custody  
> evaluations, advocates involved with domestic violence issues and  
> children's issues, legal service providers and others.  
>  
> The Committee started with the Family Court Custody Evaluation  
> Standards and Procedures memo, issued June 1, 2007, and also examined  
> California's related rules, procedures and legislative language.  
> SB2055 includes statutory requirements, with giving discretion in  
> developing custody evaluator  
> standards and procedures.  
>  
> These custody evaluator standards, procedures, training and  
> certification requirements are needed to ensure the best for our children.  
> A lack of standards leads to unpredictable and disparate results, which  
> negatively affect children  
> and families. Millions of dollars are wasted over the life of a divorce  
> case when custody and visitation decisions are made by untrained,  
> uncertified and unknowledgeable custody evaluators with no training in child  
> related issues. Suicides and mass family violence is a direct result of  
> these up to now untracked and unaccounted for decisions.  
> SB2055 has requirements for training and certification which can bring  
> together the various professionals who perform custody evaluations,  
> resulting in cross-training,  
> collaboration and a wider knowledge base and level of understanding  
> for custody evaluators. The certification requirements will ensure  
> that we have qualified custody evaluators who have met the minimum  
> licensing, education, training and experience requirements. This will  
> help ensure that our courts address children, in contested custody  
> cases, with consistently high standards.  
>  
> SB2055 does not require implementation until January 1, 2010.  
> Coordination will be required between the Judiciary, Family Court,  
> the Board of Family Court Judges (Board), the Department of Commerce  
> and Consumer Affairs (DCCA), associated professionals, and the public  
> to establish and maintain the required state-wide policies and  
> procedures. SB2055 requires annual judiciary reports to the  
> legislature, in order to ensure that the necessary resources are  
> understood and provided or the requirements are modified. Since only  
> policy development will occur in the next year, allowing SB2055 to  
> go forward will not require any resources and in 2009 the  
> Legislature will have more and better information with which to make  
> decisions. By 2009 we will have a detailed spread sheet of just a few  
> random sample family court cases that have used, unnecessarily the lion's  
> share of family court resources and the compelling statistical breakdown  
> will shed further light as to the need for SB2055.  
>  
> As the implementation date for SB2055 is almost two years into the future,  
> and  
> the resource requirements will not be known fully until the Judiciary  
> reports back to the Legislature, and thus passing this bill is essential  
> to  
> moving these processes forward.  
>  
>  
> Thank you for giving me an opportunity to testify.  
>  
> Myrna B. Murdoch  
>  
> cc: Senator Inouye  
> Senator Akaka  
> Congressman Abercrombie

> Congresswoman Hirono

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## FINTestimony

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**From:** Tom Marzec [adamtm@lava.net]  
**Sent:** Tuesday, April 01, 2008 1:10 AM  
**To:** FINTestimony  
**Cc:** adamtm@lava.net  
**Subject:** SB2055 Agenda #1 House FIN on Wednesday, 04-02-08 at 2:00 pm inHouse conference room 308

March 31, 2008

To: Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
Committee on Finance

From: Tom Marzec

Subj: Testimony IN STRONG SUPPORT of SB2055 SD2 HD1 re procedures and requirements for child custody evaluator training and certification

Hearing: Wednesday, April 2, 2008; 2:00 p.m.; Room 308, State Capitol

I strongly support SB2055 SD2 HD1, and request that you pass the bill as is.

\* The implementation date of this bill is in 2010, and the required reports to the 2009 Legislature, per this bill, will allow for more accurate and complete resource requirements evaluations by this committee in 2009.

\* The Judge Wong Custody Evaluation Standards and Procedures Memo dated June 1, 2007 has already created the bulk of the procedures and requirements called for being developed in this bill. This bill adds some key missing pieces and makes these same standards, procedures and policies applicable to all circuits. Significant resources are not required to make these policies apply state-wide.

\* This bill, coupled with SB2054 (factors the courts shall consider in determining the best interest of the child), make a powerful positive impact on how child custody decisions shall be performed and demonstrate the importance the Legislature places on children in these vulnerable situations.

As a member of the Family Court Models Committee and SR10 Family Court Legal Interventions Working Group (FCLIWG) that developed this bill, the need for such legislation was identified, professionals were brought together to collaborate on solutions to the issues, and this bill was tailored to complement an already existing Family Court memo dealing with this very subject. This collaboration included family law attorneys, psychologists specializing in child custody cases, social workers, marriage and family therapists performing custody evaluations, advocates involved with domestic violence issues and children's issues, legal service providers and others.

The Committee started with the Family Court Custody Evaluation Standards and Procedures memo, issued June 1, 2007, and also examined California (and some other states) related rules, procedures and legislative language. This resulting bill balances creating statutory requirements, with giving discretion in developing custody evaluator standards and procedures. The language and intent is consistent with, and builds upon, the Family Court Custody Evaluation memo, which is already in place.

These custody evaluator standards, procedures, training and certification requirements are needed to ensure we consistently and effectively perform custody evaluations. A lack of standards leads to unpredictable and disparate results, which negatively affect children and families. This bill has requirements for training and certification which can bring together the various professionals who perform custody evaluations, resulting in cross-training, collaboration and a wider knowledge base and level of understanding for custody evaluators. The certification requirements will ensure that we have qualified custody evaluators who have met the minimum licensing, education, training and experience requirements. This will help ensure that our courts address children, in contested custody

cases, with consistently high standards.

Next, this bill does not require implementation until January 1, 2010.

Coordination will be required between the Judiciary, Family Court, the Board of Family Court Judges (Board), the Department of Commerce and Consumer Affairs (DCCA), associated professionals, and the public to establish and maintain the required state-wide policies and procedures. This bill requires annual judiciary reports to the legislature, in order to ensure that the necessary resources are understood and provided or the requirements are modified. Since only policy development will occur in the next year, allowing this bill to go forward will not require significant resources and in 2009 the Legislature will have more and better information with which to make decisions. For example, the sharing of responsibilities (both in developing policies and ongoing administration) between Family Court, the Board of Family Court Judges and DCCA is an area that requires further exploration and evaluation -- which this bill facilitates and requires.

This bill requires the Judiciary to make reports to the Legislature prior to the 2009 session. These reports are intended to address the potential responsibilities recommended by and for the DCCA, Board and Family Court in the process of addressing resource and implementation requirements. This balancing of responsibilities, expertise and resources is best determined, evaluated and achieved via the Judiciary reporting requirements in this bill.

As the implementation date is almost two years into the future, and the resource requirements will not be known fully until the Judiciary reports back to the Legislature, passing this bill is essential to moving these processes forward.

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

## FINTestimony

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From: alex m [surfinglikeawhitey@hotmail.com]  
Sent: Tuesday, April 01, 2008 8:20 PM  
To: FINTestimony

To: The Committee on Finance  
From: Alexandra Murdoch-Haig  
Date of Hearing: April 2, 2008 at 2:00 p.m. (Agenda #1) Measure Number: SB 2055, SD2, HD1 (HSCR1107-08) [Relating To Family Court] Testimony Provided: Written testimony only.

Please accept my written testimony in support of the above-reference bill. I am a Punahou sophomore and I am combining different people's testimony available on line on SB2055 to best say what I want to say, and have it acceptable to the House Finance Committee. It is really important to me that this Bill be passed so that no other kid in Hawaii will have to go through what I have gone through.

The common goal of families and of family court and of custody evaluators must be to always strive for determining what is in the child's/children's best interests. Since that is often a challenging task for parents to achieve, based on their deteriorating relationship, it is necessary for all others involved to maintain the proper focus, encourage the parents to act in the child's/children's best interest, and provide services, evaluations, and recommendations that will result in decisions promoting the best interests of the child/children

It has been established that the purpose of this bill is to further protect children involved in Hawaii Family Court proceedings by

- (1) requiring the Board of Family Court Judges to establish policies and procedures for child custody evaluators and administer certification procedures, and
- (2) establishing licensing requirements and minimal education and experience requirements, and requiring continuing training for child custody evaluators.

The Act proposes to accomplish this by:

- (1) defining court-appointed investigators or professional personnel as child custody evaluators,
- (2) requiring the department of commerce and consumer affairs to establish the policies and procedures for child custody evaluators,
- (3) establishing licensing requirements and minimal education and experience requirements for child custody evaluators.

My custody evaluators had little to no training and no mentoring opportunities before they took on my case for a custody evaluation. They thought reading to me from a Costco book on horses was a good custody evaluation. They thought socializing with my parents over wine and dinner was a good way to do a custody evaluation. It wasn't. Luckily there are nanny cams of the interviews so I can't be accused of making facts up. I heard that one of the custody evaluators hired my Dad's attorney to say my testimony is not accurate. It is accurate. Kids remember very well what happens to tear their families apart. Every time my Mom is asked to volunteer at Punahou School or for paddling she can't do it because the custody evaluator said that my Mom volunteering was not in my best interest. They are dead wrong. I think all kids who have to go through a custody evaluation, and I have been through more than one, should be told what is appropriate and what is just ridiculous, made up stuff, like reading a book from Costco with a kid. How is that going to determine with whom that kid should live with? Now, I am being taken to court by my Dad because of the visitation schedule the custody evaluators decided in 2002 when I was 9 years old. I don't want to follow that dumb schedule now that I am 16 years old, but if I don't follow it, my Mom gets fined by my Dad and Family Court \$750 a day. By the way, my Mom is not making me submit testimony or writing it for me. Just look at my Punahou anatomy homework and it is obvious I can read and think for myself. For the rest of my life I am going to speak out on Children's issues so no kid in Hawaii will ever have to go through what I did. The result is I have no family.

Thank you for your time and attention in this matter.

Very truly yours,

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[http://www.windowlive.com/messenger/connect\\_your\\_way.html?  
ocid=TXT\\_TAGLM\\_WL\\_Refresh\\_messenger\\_video\\_042008](http://www.windowlive.com/messenger/connect_your_way.html?ocid=TXT_TAGLM_WL_Refresh_messenger_video_042008)

## FINTestimony

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**From:** Courtney N. Naso [cnn@loio.com]  
**Sent:** Tuesday, April 01, 2008 11:59 AM  
**To:** FINTestimony  
**Subject:** 4/2/2008 SB2055 Agenda #1

To: The Committee on Finance  
From: Courtney N. Naso, Esq. (Attorney with Lynch Ichida Thompson Kim & Hirota, A Law Corporation)

Date of Hearing: April 2, 2008 at 2:00 p.m. (Agenda #1)  
Measure Number: SB 2055, SD2, HD1 (HSCR1107-08) [Relating To Family Court]  
Testimony Provided: Written testimony only.

Please accept my written testimony in support of the above-reference bill.

It has been established that the purpose of this bill is to further protect children involved in Hawaii Family Court proceedings by (1) requiring the Board of Family Court Judges to establish policies and procedures for child custody evaluators and administer certification procedures, and (2) establishing licensing requirements and minimal education and experience requirements, and requiring continuing training for child custody evaluators.

The Act proposes to accomplish this by (1) defining court-appointed investigators or professional personnel as child custody evaluators, (2) requiring the department of commerce and consumer affairs to establish the policies and procedures for child custody evaluators, and (3) establishing licensing requirements and minimal education and experience requirements for child custody evaluators.

It is highly beneficial to have a child custody evaluator involved in a complex child custody case in order to assist the parties and the Court in determining what is in the child's/children's best interest. However, sadly, often times, due to lack of experience and/or lack of training in the pertinent area of dealing with families and children, the child custody evaluator is either not adequately prepared to take on the task of conducting an evaluation, or is not familiar with the minimal standards or requirements to conduct a successful evaluation that will lead to a result in the best interests of the child/children.

By example, I have been involved in child custody cases wherein the appointed child custody evaluator does not spend equal time with each side of the family, or the evaluator only meets with one or two members of one parent's family, but meets with five to ten members of the other parent's family, thus creating a slanted and unfair result based on not following minimum standards for conducting a proper evaluation. Additionally, I have also experienced a child custody evaluator failing to meet with the child's/children's school teachers, even though the teacher's contact information was provided and the teacher was willing to meet with the evaluator. This results in an evaluation being conducted without objectivity since it is only based on reports from the respective families, and lacks content from a third party objective person. These types of problems would be avoided if comprehensive standards for investigations, and reporting, as related to child custody were clearly established.

The benefits of having the department of commerce and consumer affairs involved are many, as the department will establish, adopt and maintain the requisite statewide policies and procedures regarding the education, experience, training, ethical standards, certification, etc. for all child custody evaluators. The department would also monitor and handle all complaints against the evaluators, thus providing a responsive and objective review board to appropriately address the concerns about evaluators who are not meeting the requisite standards.

It is imperative to remember that the primary focus of families, attorneys who represent the families, child custody evaluators, the Hawaii Family Court, and this committee should remain on the child/children that are affected by and involved in contested child custody matters. The common goal must be to always strive for determining what is in the child's/children's best interests. Since that is often a challenging task for parents to achieve, based on their deteriorating relationship, it is necessary for all others involved to maintain the proper

focus, encourage the parents to act in the child's/children's best interest, and provide services, evaluations, and recommendations that will result in decisions promoting the best interests of the child/children.

Thank you for your time and attention in this matter.

Very truly yours,

Courtney N. Naso, Esq.  
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## **FINTestimony**

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**From:** Sara Marshall [shm@hawaii.edu]  
**Sent:** Monday, March 31, 2008 2:51 PM  
**To:** FINTestimony  
**Subject:** 4/2/2008 SB2055 Agenda #1

Honorable Legislators,

I participated in the long work of the committee who were charged with making recommendations on this critical issue. The committee was very comprehensive and inclusive of a variety of opinions. I am a social worker with years of history in this and many other states. The role of a custody evaluator is very crucial to the proper functioning of our legal system.

As you are aware, our Keiki need the most protection for the society to thrive. It is impossible in the context of a court hearing for the complexity of these family systems and issues to be understood. The professionalism and qualifications of the evaluators is the best way to assure better decisions are made. I heartily support the passage of this bill.

I would like to be in attendance but I am teaching a class at the University of Hawaii during your session.

--

Sara Marshall, PhD  
Training Academy at University of Hawaii 1800 East West Road, Henke Hall # 319 Honolulu,  
HI 96822 808-956-4336; fax 808-956-5964 shm@hawaii.edu

TO: Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
Committee on Finance

From: Celia Suarez, Marriage & Family Therapist

**Subj: Testimony in Strong Support of SB2055 SD2 HD1 re procedures and requirements for Child Custody Evaluator training and certification**

Hearing: Wednesday, April 2, 2008; 2:00P.M. Room 308, State Capitol

I am submitting this testimony in strong support of SB2055 and request that you pass the bill as is.

The custody evaluator standards, procedures, training and certification requirements are needed to ensure consistent and effective custody evaluations. Lack of standards lead to unpredictable and disparate results. Consequently, the children and families are negatively affected. Since this bill will set the requirements for training and certification, it can bring together the various professionals such as the psychologist, marriage and family therapist, the social workers, family law attorneys, advocates involved with domestic violence and children issues and other legal service providers.

Thank you for giving me the opportunity to submit this written testimony.



## **FINTestimony**

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**From:** Geckogroup@cs.com  
**Sent:** Tuesday, April 01, 2008 4:50 AM  
**To:** FINTestimony  
**Subject:** SB2055 Agenda #1 House FIN on Wednesday, 04-02-08 at 2:00 pm in House conferen

Date: April 1, 2008

To: Rep. Marcus R. Oshiro, Chair  
Rep. Marilyn B. Lee, Vice Chair  
Committee on Finance

From: Ann S. Yabusaki, Ph.D.

Subj: Testimony IN STRONG SUPPORT of SB2055 SD2 HD1 re procedures and requirements for child custody evaluator training and certification

Hearing: Wednesday, April 2, 2008; 2:00 p.m.; Room 308, State Capitol

I currently direct a family therapy and training center that receives families from Juvenile Drug Court. We often address the trauma of families in the middle of or many years after custody battles. In my opinion, it is critical that better custody evaluations and training of evaluators is necessary.

This bill, coupled with SB2054 (factors the courts shall consider in determining the best interest of the child), make a powerful positive impact on how child custody decisions shall be performed and demonstrate the importance the Legislature places on children in these vulnerable situations.

The implementation date of this bill is in 2010, and the required reports to the 2009 Legislature, per this bill, will allow for more accurate and complete resource requirements by this committee in 2009, suggesting that there may be little financial impact in 2009.

Judge Wong substantially outlined the bulk of Custody Evaluation Standards and Procedures (memo dated June 1, 2007). This bill adds to and enhances these same standards, procedures and policies, and makes them applicable to all circuits. Significant resources are not required to make these policies apply state-wide.

Thank you for your consideration.