

SB 2055
RELATING
TO
FAMILY
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the formerly battered women's caucus of hawai'i

To: Senator Chun-Oakland, Chair
Senator Ihara, Vice-Chair
Human Services & Public Housing Committee Members

Date: January 24, 2008

Re: **STRONG SUPPORT FOR SB2055**

I stand in firm support of SB2055 that will establish procedures and requirements for Child Custody Evaluators. Appropriate training for the professionals who occupy these positions should have been implemented a long time ago so this legislation is long overdue and will benefit everyone; I cannot foresee any negative consequences as a result of this bill being passed.

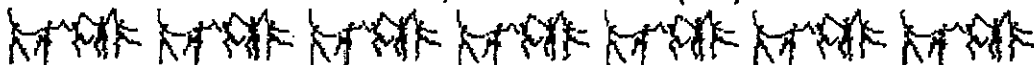
Just as important as being appropriately trained is the component of this bill that addresses the character and legal standing of the Child Custody Evaluator. We've seen and heard one too many stories of child-related professionals being convicted of crimes against children and a person who serves as a Child Custody Evaluator should have nothing less than a spotless record when it comes to any type of crime against another human being. Setting such a bar would hopefully deter questionable professionals from pursuing such an important function and should keep Child Custody Evaluators behaving appropriately in all areas of their lives.

Thank you for your time and consideration.

Dara Carlin, M.A.

Dara Carlin, M.A.
Oahu VOICES Representative

hawai'i state coalition against domestic violence
716 umi street suite 210 ~honorolulu, hawaii~96819~ (808) 832-9316 ext 106



Testimony in strong Support of SB 2054 and SB 2055

Hearing: January 24, 2008
Time 1.30 p.m.
Room 016 State Capital

V

COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING

Senator SUZANNE CHUN OAKLAND, Chair
Senator LES IHARA, JR. Vice Chair

From: LAURETTE DEMANDEL-SCHALLER, MFT, Ph.D., C.E., G.A.L.
**Clinical Member Hawaii Assoc. of Marriage Family Therapists;
Clinical Member American Assoc. for Marriage and Family
Therapy; Custody Evaluator; Guardian Ad Litem;
Mediator; Member of the Assoc. of Family and Conciliation
Courts
And The SR10 Taskforce**

Subj: Testimony in strong Support of SB2054 and SB2055

My name is Dr. Laurette Schaller, I have lived on the Island of Kauai for over 20 years, and have been a licensed Psychotherapist for 24 years, in California and Hawaii, providing treatment and forensic services to children and families.

The passage of SB 2054 and SB2055 will make the BEST INTEREST OF THE CHILD the cornerstone of judicial consideration when determining the award of custody to divorcing or never married parents. This is consistent with the mission of the Court to carry out its strategic plan to develop, support, and advocate for maximum parental involvement in the lives of their children. With the passage of SB2054 and SB2055 there will be a legal standard that is consistent with policy developed in other states across our nation, and also one

which will be appealable in the appellate courts. The passing of these Bills means progress for the people in the State of Hawaii.

I join with The Children's Rights Council, and members of the groups listed, we strongly believe that SB 2054 and SB 2055 should be supported.

Testimony in strong Support of SB 2055

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The passage of SB 2055 will make the BEST INTEREST OF THE CHILD the cornerstone of judicial consideration when determining the award of custody to divorcing or never married parents. This is consistent with the mission of the Court to carry out its strategic plan to develop, support, and advocate for maximum parental involvement in the lives of their children. With the passage of SB2055 there will be a legal standard that is consistent with policy developed in other states across our nation, and also one which will be appealable in the

appellate courts. The passing of this Bill means progress for the people in the State of Hawaii.

I join with The Children's Rights Council, and members of the groups listed, we strongly believe that SB 2055 should be supported.

**PRESENTATION OF THE
BOARD OF MEDICAL EXAMINERS**

**TO THE SENATE COMMITTEE ON
HUMAN SERVICES AND PUBLIC HOUSING**

**TWENTY-FOURTH LEGISLATURE
Regular Session of 2008**

Thursday, January 24, 2008
1:30 p.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON SENATE BILL NO. 2055, RELATING TO FAMILY COURT.

**TO THE HONORABLE SUZANNE CHUN OAKLAND, CHAIR,
AND MEMBERS OF THE COMMITTEE:**

The Board of Medical Examiners ("Board") thanks you for the opportunity to provide written testimony on S.B. No. 2055, 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.



HSP Committee
For hearing on Thurs, Jan 24, 2008
1:30 pm

National Association of Social Workers

Hawaii Chapter

January 22, 2008

TO: Chair Suzanne Chun Oakland
And members of the Senate Human Services and Public Housing Committee
FROM: Debbie Shimizu
National Association of Social Workers (NASW)
RE: SB 2055 Relating to Family Court - **SUPPORT with amendments**

Chair Suzanne Chun Oakland and members of the Senate Human Services and Public Housing Committee, I am Debbie Shimizu, Executive Director of the National Association of Social Workers, Hawaii Chapter (NASW). NASW **supports SB 2055** 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.

SB 2055 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 SB 2055 would help ensure that Hawaii’s families received quality assessments and recommendation when a custody evaluation is required. We urge your favorable consideration of SB 2055 with amendments.

Thank you for the opportunity to testify.



TO: Senator Suzanne Chun-Oakland, Chair
Les Ihara, Vice Chair
Members of the Committee

FR: Nanci Kreidman, M.A.
Executive Director

RE: SB 2055

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.

Ann S. Yabusaki, Ph.D.

*California Psychologist PSY14443
California Marriage and Family Counselor MFC 22558
Hawaii Marriage and Family Therapist MFT-87*

The Honorable Senator Suzanne Chun Oakland
Hawaii State Senate
Hawaii State Capitol, Room 226
415 South Beretania Street
Honolulu, Hawaii 96813

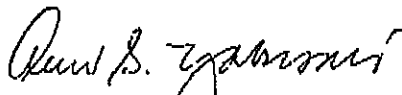
RE: S.B. 2055 Family Court; Child Custody Evaluator Training and Certification
Program
Senate Committee on Human Services and Public Housing
Hearing Scheduled: January 24, 2008, 1:30 pm

Dear Senator Chun Oakland:

I am writing in support of S.B. 2055, a bill establishing child custody evaluation and training. The education and standards for child custody evaluators are long overdue. Working with the family court, DHS, DOE, and other large systems, I have seen families caught in systems that create harmful situations when the intent was to help.

As a psychologist and marriage and family therapist, my hope is that this bill will help the decision making process to alleviate some of the pain, suffering, and trauma of custody decisions.

Mahalo nui loa,



Ann S. Yabusaki, Ph.D.



Testimony to the Senate Committee on Human Services and Public Housing

Senator Suzanne Chun Oakland, Chair

Senator Les Ihara, Jr., Vice Chair

Thursday, January 24, 2008, 1:30 p.m.

State Capitol, Conference Room 016

By

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

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2055, 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.