



Testimony to the Senate Committee on Judiciary and Labor

The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice Chair
Thursday, February 28, 2008, 2:00 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, S. 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 provide "certification;" 2) to provide oversight; and 3) to administer an administrative appeals process.

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

Third, 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. HRS Section 467E-6(2) exempts social workers employed by a federal, state or county government agency in a social work position from the licensing requirements. The Judiciary wishes to clarify 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."



Senate Bill No. 2055, S. D. 1, Relating to Family Court
Senate Committee on Judiciary and Labor
Thursday, February 28, 2008
Page 2

Accordingly, we respectfully suggest the amendments noted below:
(p.1, Section 2)

“Child custody evaluator” means all court-appointed investigators or professional persons directed by the court to make investigations and reports pursuant to section 571-46, excluding social workers employed by the Judiciary.

Last, this bill may make it more difficult for parties to find custody evaluators who meet the enumerated requirements. In addition, this bill precludes attorneys from serving as custody evaluators. Although the Family Court of the First Circuit no longer maintains a list of possible custody evaluators, of the 31 who served as custody evaluators in the past, 25 were attorneys. In the Second, Third and Fifth Circuits, 5 out of 12 private custody evaluators are attorneys.

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



TO: The Committee on Judiciary and Labor, Chair Taniguchi and Vice Chair Hee

FR: Ana Maring, Hawaii State Coalition Against Domestic Violence
amaring@hscadv.org

RE: Relating to Family Court SB2055 SD1- Custody Evaluators – February 28, 2008 at 2:00pm in Room 016

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.

Healthy and safe families have been the primary goal of the Battered Women's Movement. Frequently there is an assumption that the violence will end once the victim of abuse separates from the batterer. Multiple studies have shown this is the most dangerous time for women and their children. 75% of women who are murdered by a partner or former partner have recently separated or told their partner they are planning to leave. This appears to be the case with the two most recent domestic violence related murders.

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 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.



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

National Association of Social Workers

Hawaii Chapter

February 27, 2008

TO: Senator Brian Taniguchi, Chair
And members of the Senate Judiciary and Labor Committee

FROM: Debbie Shimizu
National Association of Social Workers (NASW)

RE: SB 2055 SD1 Relating to Family Court - **SUPPORT**

Chair Taniguchi and members of the Senate Judiciary and Labor Committee, I am Debbie Shimizu, Executive Director of the National Association of Social Workers, Hawaii Chapter (NASW). NASW **supports SB 2055 SD1** to establish procedures and requirements for child custody evaluator training and certification.

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 SD1 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.

SB 2055 SD1 is sensitive to the needs of Family Court and allows them time to work out how they will coordinate with other departments to implement these standards. Passage of SB 2055 SD1 would help ensure that Hawaii's families received quality assessments and recommendation when a custody evaluation is required.

Thank you for the opportunity to testify.

testimony

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Thursday, February 28, 2008 7:39 AM
To: testimony
Subject: SB2055 SD1 to be heard 02/28/08 at 2:00pm by the Judiciary & Labor Committee

Importance: High

TO: Senator Brian Taniguchi, Chair
Senator Clayton Hee, Vice-Chair
Judiciary & Labor Committee Members

FROM: Dara Carlin, M.A.
Oahu VOICES
716 Umi Street, Suite 210
Honolulu, HI 96819

DATE: February 28, 2008

RE: Support for SB2055 SD1

Good afternoon and thank you for this opportunity to provide testimony.

Statewide VOICES would like to offer a show of support for this measure which seeks to establish standards for Custody Evaluators. As a member of the SR10 Task Force working group that created this bill, I can tell you that this proposal makes sense and is painfully long overdue. If I walked into a hospital's emergency room and was being attended to by a physician, I would sincerely hope that the man or woman in the white coat treating me was a PROPERLY trained and qualified medical professional, not someone who decided they liked the white coat, who had good enough intentions to play the role and thought that working in a hospital ER was cool. Beyond that, I would sincerely hope the man or woman in the white coat did not have a criminal background or a history of any kind of putting people's lives in danger or at-risk.

To me, these are not high or lofty expectations; these are bare-minimum qualifications to do the job. Acting as a Custody Evaluator in Family Court should be no different because these people are entrusted to do the best for the children and families they serve, but how can they do their best when THEY don't even know what that is? Furthermore, anyone who has put the life of another human being at-risk should not be allowed to influence the lives of other human beings in a professional manner meaning that we would not want to send a child to a therapist whose personally molested children, nor would we want to send a victim of domestic violence to a service provider who has been a perpetrator of violence against women.

Please vote in support of this measure to ensure the best quality of care for our children who are most at-risk.

Respectfully,

Dara Carlin, M.A.
Oahu VOICES
The Formerly Battered Women's Caucus

Need to know the score, the latest news, or you need your Hotmail@-get your "fix".
<http://www.msnmobilefix.com/Default.aspx>

**Testimony in strong Support of SB 2055 SD1 re procedures
and requirements for child custody evaluator training
and certification**

Hearing: Thursday, February 28, 2008; 2:00 p.m.; Room 016, State Capitol

To: Senator Taniguchi, Chair
Senator Hee, Vice Chair
Committee on Judiciary and Labor

From: LAURETTE DEMANDEL-SCHALLER, MFT, Ph.D., C.E., G.A.L., S.A.P
**Ethics Chair 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 SB 2055 SD1

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 2055 SD1 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 SD1 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 and the protection of our children for generations to come.. I work with the groups listed, we strongly believe that SB 2055 SD1 should be supported. Thank you for the opportunity to testify.

testimony

From: Chris [crslethem@everdial.net]
Sent: Thursday, February 28, 2008 9:27 AM
To: testimony
Cc: crslethem@gmail.com
Subject: Testimony IN STRONG SUPPORT of SB2055 SD1 re procedures and requirements

To: Senator Taniguchi, Chair
Senator Hee, Vice Chair
Committee on Judiciary and Labor

From: Chris Lethem

Subj: Testimony IN STRONG SUPPORT of **SB2055 SD1** re procedures and requirements
for child custody evaluator training and certification

Hearing: Thursday, February 28, 2008; 2:00 p.m.; Room 016, State Capitol

I strongly support **SB2055 SD1**. Stakeholders such as mothers, fathers, custody evaluators, family law attorneys and more were brought together to develop solutions for custody evaluation standards issues, and the language of this bill reflects the improvements of already an existing Family Court memo dealing with this very topic. These custody evaluator standards, procedures, training and certification requirements are needed to further safeguard against perceived abuses or incompetency's and to ensure we consistently and effectively perform custody evaluations with the professionalism and respect families deserve. A lack of consistent standards and practices leads to unpredictable and disparate results, which enflames post divorce litigation. These ongoing conflicts have tremendous negative affects on parents and children.

An Auditor Sunrise analysis of these issues should be performed in conjunction with the reports the bill requires from the Judiciary. The Auditor can evaluate the sharing of responsibilities (both in developing policies and ongoing administration) between family court, the Board of Family Court Judges and DCCA.

This passing of this bill should not be postponed. The sooner these requirements are implemented, parents and children will get the benefit of improved custody evaluation procedures and standards. Anything that we can do to remove families from an adversarial process to a collaborative one, will have huge benefits for our children now and in the future.

*THANK YOU VERY
MUCH
CHRIS LETHEM*

February 26, 2008

To: Senator Taniguchi, Chair
Senator Hee, Vice Chair
Committee on Judiciary and Labor

From: Tom Marzec

Subj: Testimony **IN STRONG SUPPORT** of **SB2055 SD1** re procedures and requirements for child custody evaluator training and certification

Hearing: Thursday, February 28, 2008; 2:00 p.m.; Room 016, State Capitol

First, I am extremely grateful and relieved that this bill, critical to improving family court custody decisions, is being given a hearing. Mahalo Senator Taniguchi and Senator Hee!

I strongly support **SB2055 SD1**. 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 to the Board of Family Court Judges, and Family Court, 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.

A concurrent resolution requesting an Auditor Sunrise analysis of these issues is prudent. The current bill, as written, 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, in parallel with an Auditor Sunrise analysis, 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 and DCCA is an area that requires further exploration and evaluation. Specific guidance in a Sunrise analysis to determine what responsibilities should be handled by the DCCA, Family Court/Judiciary and the Board, so there is no inefficient duplication, and each entity does what is within their existing expertise and structure, is a preferred course of action.

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.

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

Sincerely,

Thomas A. Marzec

From: Celia Suarez, Marriage and Family Therapist

Testimony in support of SB2055, establishes the procedures and requirements for child custody evaluator training and certification.

Hearing: Thursday, February 28, 2008, 2:00pm. Conference Room 016, State Capitol

I strongly support SB2055 which requires certification and training for custody evaluators. A licensed mental health provider, attorneys and other professionals who meet the basic educational requirement to become custody evaluator should be required to obtain the appropriate training and get certified in order to become a custody evaluator

Thank you for giving me the opportunity to support this bill.

Ann S. Yabusaki, Ph.D.

*California Psychologist PSY14443
California Marriage and Family Counselor MFC 22538
Hawaii Marriage and Family Therapist MFT-87*

The Honorable Senators Brian T. Taniguchi, Chair
and Clayton Hee, Vice Chair
Committee on Judiciary and Labor
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

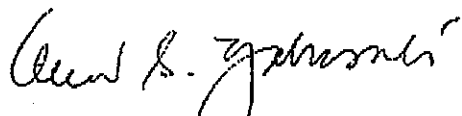
RE: S.B. 2055 Family Court; Child Custody Evaluator Training and Certification
Program
Senate Committee on Judiciary and Labor
Hearing Scheduled: February 28, 2008, 2:00 pm
Conference Room 016

Dear Senators Taniguchi and Hee:

I am writing in support of S.B. 2055, a bill establishing criteria through the Judiciary 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 to alleviate some of the pain, suffering, and trauma of child custody decisions.

Mahalo nui loa,



Ann S. Yabusaki, Ph.D.

LATE

State Commission on Fatherhood

c/o Hawai'i Dept. of Human Services; 1390 Miller Street, Room 209; Honolulu, HI 96813

February 28, 2008

TO: Senator Taniguchi, Chair; Senator Hee, Vice Chair
Committee on Judiciary and Labor (c/o fax 586-6659)

FROM: Greg Farstrup, Chair, State Commission on Fatherhood

SUBJECT: Testimony **IN STRONG SUPPORT** of **SB2055 SD1** establishing
Procedures and requirements for **child custody evaluator** training and certification

HEARING: Thursday, February 28, 2008; 2:00 p.m.
Room 016, State Capitol

I strongly support the passage of SB2055 SD1.

Mahalo Senator Taniguchi, Senator Hee, and Committee Members for hearing this bill. It will be a significant step for improving family court custody decisions in combination with *SB2054 SD1*, which amends the factors the courts shall consider in determining the best interests of the child.

As a participant in the SR10 Task Force that developed this bill, I was impressed with the broad consensus for how this bill's could improve family court custody decisions. This collaboration included concerned families, family law attorneys, psychologists specializing in child custody cases, social workers, marriage and family therapists performing custody evaluations, advocates concerned with domestic violence issues and children's issues, legal service providers, the Hawai'i Coalition for Dads, and others.

Custody evaluator standards, procedures, training and certification requirements are needed to make sure that custody evaluations are consistently and effectively carried out. 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. This will help assure that our courts address children, in contested custody cases, with consistently high standards.

Mahalo for considering this important legislation.

I urge the Committee on Judiciary and Labor to support the passage of SB2055 SD1.

State Commission on Fatherhood: Greg Farstrup, Chair (*Hawai'i Coalition for Dads*); Marika Ripke, Secretary/ Treasurer (*Hawai'i Kids Count, UH Manoa*); Barrett Awai (*Kawaiah'o Church*); Bernard Carvalho (*Office of Community Assistance, Kaua'i County*); Merton Chinen (*Office of Youth Services*); Mike Dias (*Alu Like-Hilo*); Dennis Kajikawa (*Dept. of Education*); Loretta Fuddy (*Dept. of Health*); Myrna Murdoch (*Children's Rights Council of Hawaii*); Henry Oliva (*Dept. of Human Services*); Tom Read (*Dept. of Public Safety*); Russell Suzuki (*Dept. of Attorney General*); and Sylvia Yuen (*Center on the Family, UH Manoa*).

**To: Senator Taniguchi, Chair
Senator Hee, Vice Chair
Committee on Judiciary and Labor**

**From: Melinda Chee, MA, ACNP-BC, RN-BC, CCM,
Member Hawaii Children's Rights Council**

Subj: Testimony IN STRONG SUPPORT of SB2055 SD1 re procedures and requirements for child custody evaluator training and certification

Hearing: Thursday, February 28, 2008; 2:00 p.m.; Room 016, State Capitol

Of priority, I am profoundly appreciative that this bill, critical to improving family court custody decisions, is being given a hearing. Mahalo nui loa to Senator Taniguchi and Senator Hee!

As a licensed health care professional (I am a nationally certified acute care nurse practitioner, board certified cardiovascular registered nurse and nationally certified case manager) I laud the Hawaii Senate for the genesis of a bill that would require certification of forensic custody evaluators and require professional licensure of social workers, attorneys, psychiatric nurse practitioners and other professionals who perform custody evaluations.

In my own case, custody recommendations were solicited from Barbara Shintani, an UNLICENSED Social Worker employed by the Hawaii First District Family Court. Ms. Shintani fabricated evidence, UNDER PENALTY OF PERJURY, against me in her *Report* to Judge Radius.

Shintani's Supervisor, Ms. Stormy Stadlbauer on May 15, 2007 informed me there is no due diligence with regard to Shintani's performance. Stadlbauer does not audit Shintani's reports. She revealed there are no current systems of peer review, and no assessment processes to assure accuracy, factual representation and veracity with regard to Shintani's reports and recommendations to the court. This is shocking! Shintani's reports result in life altering consequences for the subjects of her recommendations. Neither Shintani, nor her supervisor, Ms. Stadlbauer, is a licensed social worker. I filed a Formal Complaint against Shintani because her reports are biased, unbalanced, and not factual. Without corrective actions this performance trend continues with impunity. Shintani's defective reports are relied upon as evidence. You are probably aware of an Article in the Hawaii Bar Journal, February, 2004 titled "*Divorce Law in Hawaii: An Update*", by eminent Hawai'i Family Law attorney, William C. Darrah. He states: "The situation has become so bad that because of time constraints lawyers have been forced to resort to presentation devices which in fact violate the Hawaii Rules of Evidence" [See *Kie v McMahel*, 91 Haw. 438, 984 P. 2d 1264 (App 1999)].

Chief Justice Hon. Moon declared in his State of the Judiciary Address: "*Let the sun shine in*" with respect the Family Court. An ordered interview with a court officer merits such transparency and sunshine. The opinions of

Shintani cannot be of utility in custody decisions because in my case she was subject to the influence of Defendant, Kevin Chee (a Honolulu attorney) and his family members (who have First District Family Court connections). A central theme of the Defendant is his efforts to seek retaliation and vengeance from the Family Court because Plaintiff Melinda Chee participated in Hawai'i Senate testimony regarding enhancements in Family Court processes and efficiencies. Plaintiff Melinda Chee offered sincere, balanced, video-taped testimony at a Hawai'i Senate hearing. The Hawai'i Legislature is exploring Family Court models shown in other states to be efficient and satisfactory to court members and customers alike. Participation in open democratic processes should not generate communist-like fear of reprisal. Continual democratic process enhancements are a good thing, not something to be retaliated against. Legal openness, fairness, sunshine and transparency foster justice.

Ms. Shintani's report was not balanced. She shows distaste for family and normalized relationships. It is well known that she is a friend of Custody Guardian ad Litem Kimberly Towler. Defendant Kevin Chee, in the Chee v. Chee Family Court case, testified during a July 10, 2007 trial that GAL Kimberly Towler has slept with Defendant's Law office female secretary, Cyd Ignacio. This creates a profound appearance of impropriety!! How can a guardian ad litem appear unbiased when that "custody evaluator" is having a domestic partnership relationship with one of the parties' office staff?

It is past time for the Family Court to consider the big picture, rather than a linear reliance upon court insiders like Shintani and Towler. It is imperative that the Hawai'i Family Court critically evaluate the track records of Shintani, and allow for customer input regarding Custody Evaluator efficacy and veracity. Shintani's recommendations create destructive life-altering consequences. Shintani and her supervisor, Ms. Stormy Stadlbauer are both unlicensed. This does not give them *license* to operate as maverick social workers. Professional licensure serves a purpose:

1. Demonstrates accountability to the public at large
2. Validates specialty knowledge
3. Reflects commitment to the profession

Peer-review processes permit transparency and improve outcomes. Case reviews generate constructive critiques and evidence-based enlightenment. Shintani's processes must be open to input regarding investigative methods, diagnostic reasoning, recommendations and potential bias.

Since the court refers to Shintani as a "*Social Worker*", the Court must hold Shintani and her supervisor, Ms. Stormy Stadlbauer, to the same standards to which licensed social workers in Hawai'i are held accountable. The Hawai'i Department of Commerce and Consumer Affairs provides for social worker oversight. Yet, there has been no public record of corrective action with respect to Shintani or Towler. To Hawaii Supreme Court Chief Justice Moon's credit, he decreed: "*Let the sunshine in*" with respect the Hawaii Family Court. Yet a member of his own staff, James Branham, Esq. informed me in a letter dated Nov. 2, 2007: "With regard to the complaint

about employee performance [regarding Family Court UNLICENSED social worker, Barbara Shintani] you appear to expect that you will be notified of the personnel action resulting from your complaint. You will not be notified. Personnel investigations and actions are generally confidential and may be disclosed only in very limited circumstances. ”

By contrast, a complaint against a LICENSED professional [doctor, registered nurse, STATE LICENCED SOCIAL WORKER, attorney, etc.] is public knowledge, easily accessible through any state’s web site or state licensing board. Aren’t custody evaluations of our precious keiki important enough to warrant a licensed professional? Would you want your children medically evaluated by an UNLICENSED Pediatrician, or pediatric nurse? Why, then, would the state of Hawaii concede to evaluations by unlicensed custody evaluators?

“Injustice anywhere is a threat to justice everywhere” Martin Luther King Jr.

To: Senator Taniguchi, Chair
Senator Hee, Vice Chair
Committee on Judiciary and Labor

From: Kathryn JB Gorak

Subj: Testimony **IN STRONG SUPPORT** of **SB2055 SD1** child custody evaluator training and certification

Hearing: Thursday, February 28, 2008; 2:00 p.m.; Room 016, State Capitol

I strongly support **SB2055 SD1**. Having suffered through numerous Family Court custody hearings, I wish that real standards for custody evaluations had existed during my court case. Instead, without real standards, custody evaluations became another tool in a game where the child was the pawn. This bill takes the right approach in ensuring custody evaluators are trained, certified and experienced, in order to be qualified to make such life-changing decisions.

I know that if a child custody evaluator training and certification was already in place, per SB2055 SD1, our child would have had improved relationships and attachments with both of her parents. My personal previous custody evaluation experiences were very negative and costly (financially and relationship-wise with my child). The custody evaluator report was inappropriately used as weapon to belittle a parent's role, stability and relationship with the child, by elevating one parent over the other. Instead of describing the facts and truthful situation, which is why the SB2055 SD1 standards are so important, the custody report was a tool to further anger, abuse, and a "win at any cost" mentality. The report failed to be fair and objective and delayed the case. It took the next year to pursue fairness and the truthful facts of the case, at a great financial and emotional price, and the best interests of my child were not achieved.

Now, 5-years later, parenting problems abound, stemming from the flawed custody report, to the continued detriment of my daughter. A 2nd custody evaluator will be necessary to re-evaluate the situation based on the now obvious harm caused to my daughter from the earlier custody report.

I am extremely reluctant to subject my child to the courts, despite the continuing problems -- because there are no standards by which "best interests" and custody evaluations are performed!! We need custody evaluators that are properly trained and certified, with the skills and guidance to perform objective and fair fact finding, and fully understand the dynamics of custody and divorce situations and tactics, to include domestic violence scenarios.

Please contact me for additional feedback at 429-5888.
Please support this bill and help families get fair trained custody evaluators and processes.

Kathy Gorak, mother of a 12-year old daughter.

LATE

testimony

From: Myrna [myrnam@hawaii.rr.com]
Sent: Saturday, March 01, 2008 2:37 PM
To: testimony
Cc: myrnam@hawaii.rr.com
Subject: Testimony gen SB 2055.doc

**Testimony in strong Support of SB 2055
Submitted to testimony@capitol.hawaii.gov and as late testimony to
senchunoakland@capitol.hawaii.gov**

Hearing: Feb 28, 2008
Time 2.00 p.m
Room 016 State Capital

V

COMMITTEE ON JUDICIARY AND LABOR

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

This late testimony is in response to comments from the Judiciary that there is not enough resources with which to monitor and accredit custody evaluators. The real question is not whether we have enough money to perform what SB 2055 mandates, it is much more relevant to ask the question if we, as a community, can afford to NOT have certified and trained custody evaluators. What are the real costs to our children and families, both in financial resources, and more importantly in the lack of healthy and strong families, if we allow untrained and unaccountable people steer the future of our children and families. The issue is not merely whether or not passing SB 2055 will be a waste of judicial resources. It is what is the true impact on our future, as children are our future, that not passing SB 2055 will have.

Thank you for giving me an opportunity to testify.
Sincerely,
Myrna B. Murdoch