



**Testimony to the Twenty-Fourth State Legislature, 2008 Session**  
House Committee on Human Services and Housing  
The Honorable Maile S.L. Shimabukuro, Chair  
The Honorable Karl Rhoads, Vice Chair  
Tuesday, March 11, 2008, 8:30 a.m.  
State Capitol, Conference Room 329

by

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

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**Bill No. and Title:** Senate Bill No. 2055, S. D. 2, 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, we support the amendments included in Senate Draft 2 by the Senate Committee on Judiciary and Labor which excludes social workers employed by the Judiciary from these provisions. 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 supports the clarification

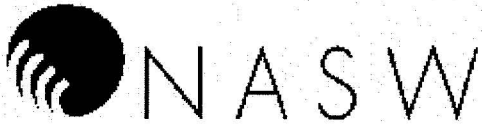


Senate Bill No. 2055, S. D. 2, Relating to Family Court  
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that these Judiciary employees would be exempt from the policies in this bill and that such a provision would be included in the definition of "child custody evaluator."

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. Of the 31 persons who served as custody evaluators in the Family Court of the first Circuit, 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.



For Tues, March 11, 2008  
House HSH  
8:30 am

National Association of Social Workers

Hawaii Chapter

March 9, 2008

TO: Chair Maile Shimabukuro  
And members of the House Human Services and Housing Committee

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

RE: SB 2055, SD2 Relating to Family Court – **SUPPORT**

Chair Shimabukuro and members of the House Human Services and Housing Committee, I am Debbie Shimizu, Executive Director of the National Association of Social Workers, Hawaii Chapter (NASW). NASW **supports SB 2055 SD2** 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.

This bill 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.

Passage of this measure 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.



TO: Maile Shimabukuro, Chair  
Karl Rhoads, Vice Chair  
Members of the Committee on Human Services and Housing

FR: Nanci Kreidman, M.A.  
Executive Director

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

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.



# HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

Hearing date and time: March 11, 2008, 8:30am. Room 329

RE: SB2055 SD2 Relating to Family Court – Custody Evaluators

TO: Chair Shimabukuro, Vice Chair Rhoads and members of the Committee on Human Services & Housing

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.

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.