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# SENATE CONCURRENT RESOLUTION

REQUESTING THE COMMITTEES ON HUMAN SERVICES OF THE SENATE AND HOUSE OF REPRESENTATIVES TO CONVENE A WORKING GROUP TO FURTHER STUDY FAMILY COURT CUSTODY EVALUATOR STANDARDS, INCLUDING A MINIMUM CURRICULUM, PROCEDURES AND REQUIREMENTS FOR APPOINTMENT, AND OTHER RECOMMENDATIONS.

1           WHEREAS, in the 2004 Regular Session, the Senate adopted  
2 Senate Resolution No. 40 (2004), authorizing the Senate  
3 Committee on Human Services to convene interim hearings on the  
4 Hawaii Family Court; and

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6           WHEREAS, the interim hearings were designed to explore ways  
7 to make the Hawaii Family Court more accessible, family-  
8 oriented, and focused on important issues relating to reduction  
9 in caseload, limiting the long-term use of interventions such as  
10 temporary restraining orders and protective orders, ensuring  
11 greater accountability of court-appointed personnel such as  
12 custody evaluators and guardians ad litem, and examining ways to  
13 reduce needless expenditures of time and money in  
14 counterproductive litigation relating to child custody  
15 determinations; and

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17           WHEREAS, some of the recommendations resulting from the  
18 interim hearings were adopted and received legislative attention  
19 during the 2005 Regular Session, but there were still other  
20 issues that remained unresolved. Thus, in the 2006 Regular  
21 Session, the Senate and the House of Representatives adopted  
22 Senate Concurrent Resolution No. 52, S.D. 1 (2006), authorizing  
23 the Committees on Human Services of the Senate and the House of  
24 Representatives to convene interim hearings on the use of legal  
25 interventions available to the Family Court and to establish one  
26 or more task forces (collectively, the SCR 52 Task Force) to  
27 facilitate their work; and

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29           WHEREAS, the SCR 52 Task Force's work resulted in the  
30 adoption of some of the Task Force's recommendations during the



1 2007 Regular Session; however, the Task Force had not yet  
2 completed its work. Thus, in the 2007 Regular Session, the  
3 Senate adopted Senate Resolution No. 10, S.D. 1 (2007),  
4 authorizing the Senate Committee on Human Services and Public  
5 Housing to convene a working group to further study the  
6 recommendations made by the SCR 52 Task Force; and  
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8 WHEREAS, the resulting working group made recommendations  
9 that resulted in Act 149, Session Laws of Hawaii 2008 (Act 149),  
10 which amended section 571-46, Hawaii Revised Statutes, to  
11 identify as "custody court evaluators" investigators or  
12 professional personnel who are attached to or assisting the  
13 family court when an investigation and report concerning the  
14 care, welfare, and custody of any minor child of the parties is  
15 required; and  
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17 WHEREAS, Act 149 also directed the Judiciary to define the  
18 requirements to be a court-appointed child custody evaluator,  
19 and the standards of practice, ethics, policies, and procedures  
20 required in the performance of their duties, and to submit to  
21 the Legislature a report of its findings, recommendations, and  
22 resources requirements to implement the requirements of Act 149;  
23 and  
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25 WHEREAS, Act 149 further directed that the Judiciary was to  
26 convene and obtain assistance from a child custody advisory task  
27 force to make findings and recommendations relating to  
28 standards, education, and regulatory oversight and control; and  
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30 WHEREAS, in its report to the Legislature, the Judiciary  
31 noted that "there is currently not enough of a 'demand' for this  
32 particular sub-specialty curriculum or course of study leading  
33 to certification or a degree, except as being currently  
34 discussed by the Association of Marriage and Family Therapists"  
35 and did not make any other specific recommendations, stating  
36 that "[a]ny recommendations regarding resource needs would not  
37 be useful since there are not enough professionals doing this  
38 work"; and  
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40 WHEREAS, in 2009, the Legislative Reference Bureau studied  
41 custody evaluations in other states and, in particular, seven  
42 states (Alaska, California, Georgia, Maine, Massachusetts, North  
43 Dakota, and Utah) where, like Hawaii, an investigation and



1 report is requested to assist the family court in making an  
2 initial custody determination; and

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4 WHEREAS, while the above mentioned states vary in their  
5 specific requirements for appointment, they all require some  
6 combination of education, training, experience, knowledge, and  
7 skill (either specified in statute or rule, or left to the  
8 discretion of the appointing court), and all provide for varying  
9 levels of detail in standards of practice and conduct, and  
10 procedures for receiving, reviewing, and resolving complaints  
11 and grievances; and

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13 WHEREAS, establishing a training curriculum and developing  
14 education and continuing training requirements would be the  
15 first step in establishing consistent standards of conduct and  
16 performance that would be of value to evaluators, their clients,  
17 and the courts, and would form the foundation for building a  
18 professional core of custody evaluators; and

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20 WHEREAS, interest exists among educational institutions and  
21 other organizations in developing and establishing a custody  
22 evaluation curriculum and course work; and

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24 WHEREAS, maximum effectiveness in developing and  
25 establishing a custody evaluation curriculum and course work  
26 necessitates the participation, advice, and guidance of  
27 experienced family court personnel and judges and various  
28 professionals who are and can provide child custody evaluation  
29 reports to assist the court; now, therefore,

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31 BE IT RESOLVED by the Senate of the Twenty-fifth  
32 Legislature of the State of Hawaii, Regular Session of 2010, the  
33 House of Representatives concurring, that the Committees on  
34 Human Services of the Senate and the House of Representatives  
35 are requested to convene a working group to further study family  
36 court child custody evaluator standards, procedures, and  
37 education curriculum, and other requirements to effectively  
38 implement the requirements of Act 149; and

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40 BE IT FURTHER RESOLVED that, upon the adoption of this  
41 Concurrent Resolution, the working group is to be referred to as  
42 the "Family Court Custody Evaluator Working Group" and shall  
43 terminate on January 1, 2011; and  
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1 BE IT FURTHER RESOLVED that the Family Court Custody  
2 Evaluator Working Group shall develop and recommend child  
3 custody evaluation standards and procedures and a training  
4 curriculum and course work, and shall submit proposed  
5 legislation, if needed, to implement these recommendations; and  
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7 BE IT FURTHER RESOLVED that the Family Court Custody  
8 Evaluator Working Group include one representative of the  
9 Department of Human Services (Child Welfare Division);  
10 Department of Health; Department of the Attorney General;  
11 University of Hawaii (one representative each from the School of  
12 Social Work, Department of Psychiatry, and Department of  
13 Psychology); Hawaii Psychological Association; Hawaii  
14 Psychiatric Medical Association; Hawaii Association of Marriage  
15 and Family Therapists; Family Law Section of the Hawaii State  
16 Bar Association; Child Law Section of the Hawaii State Bar  
17 Association; Honolulu Family Court Professionals; National  
18 Association of Social Workers-Hawaii Chapter; Hawaii Nurses  
19 Association; Legal Aid Society of Hawaii; Volunteer Legal  
20 Services Hawaii; Mediation Center of the Pacific; EPIC Ohana  
21 Conferencing, Hawaii Chapter; the Children's Rights Council; the  
22 Hawaii Coalition for Dads; Family Justice Alliance; VOICES;  
23 other education institutions with child and family expertise;  
24 and other organizations deemed appropriate by the Judiciary; and  
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26 BE IT FURTHER RESOLVED that the University of Hawaii Social  
27 Services Public Policy Center assist the Family Court Custody  
28 Evaluator Working Group with the facilitation of the Group's  
29 efforts; and  
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31 BE IT FURTHER RESOLVED that the Family Court Custody  
32 Evaluator Working Group include in its discussions participation  
33 from persons who represent the neighbor islands; and  
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35 BE IT FURTHER RESOLVED that the Family Court Custody  
36 Evaluator Working Group submit the report of its findings and  
37 recommendations, including any proposed legislation to the  
38 Legislature, no later than twenty days prior to the convening of  
39 the Regular Session of 2011; and  
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41 BE IT FURTHER RESOLVED that certified copies of this  
42 Concurrent Resolution be transmitted to the President of the  
43 Senate; Speaker of the House of Representatives; Chair of the  
44 Senate Committee on Human Services; Chair of the Senate



1 Committee on Judiciary and Government Operations; Chair of the  
2 House Committee on Human Services; Chair of the House Committee  
3 on the Judiciary; Chief Justice of the Hawaii Supreme Court;  
4 Director of Human Services; Director of Health; Attorney  
5 General; Dean of the University of Hawaii School of Social Work;  
6 Dean of the John A. Burns School of Medicine; Chair of the  
7 Department of Psychiatry of the John A. Burns School of  
8 Medicine; Dean of the University of Hawaii College of Social  
9 Sciences; Chair of the University of Hawaii Department of  
10 Psychology; Director of the College of Social Services, Public  
11 Policy Center; President of the Hawaii Psychological  
12 Association; President of the Hawaii Psychiatric Medical  
13 Association; President of the Board of Directors of the Hawaii  
14 Association of Marriage and Family Therapists; Chair of the  
15 Family Law Section, Chair of the Child Law Section, and  
16 President of the Hawaii State Bar Association; President of the  
17 Honolulu Family Court Professionals; Executive Director of the  
18 National Association of Social Workers-Hawaii Chapter; Executive  
19 Director of the Hawaii Nurses Association; Executive Director of  
20 the Legal Aid Society of Hawaii; Executive Director of Volunteer  
21 Legal Services Hawaii; Executive Director of the Domestic  
22 Violence Action Center; President of the Board of Directors of  
23 the Mediation Center of the Pacific; Director of EPIC Ohana  
24 Conferencing; President of Children's Rights Council of Hawaii;  
25 Program Coordinator of the Hawaii Coalition for Dads; President  
26 of the Family Justice Alliance; and Executive Director of  
27 VOICES.  
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