
SENATE CONCURRENT RESOLUTION

AUTHORIZING AN INVESTIGATING COMMITTEE TO INVESTIGATE CONTESTED CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, AND TO ASSESS THE USE AND APPLICATION OF SECTION 571-46, HAWAII REVISED STATUTES.

1 WHEREAS, domestic violence is recognized as a pattern of
2 behaviors used by one person to coercively control the other
3 person in a relationship; and
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5 WHEREAS, domestic violence may take the form of
6 psychological, physical, or sexual abuse, and can happen once or
7 periodically to victims of any age, gender, race, culture,
8 religion, education level, employment status, or marital status;
9 and
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11 WHEREAS, the primary, most damaging, and long-term form of
12 domestic violence is psychological abuse, which rarely leaves
13 any traces of evidence of its occurrence; and
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15 WHEREAS, victims of abuse are encouraged to terminate
16 relationships with abusive partners, for their safety and the
17 safety of their children, and to avert further and future harm;
18 and
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20 WHEREAS, the termination of an abusive relationship may
21 increase a perpetrator's lethality, because the perpetrator
22 loses control over the victim; and
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24 WHEREAS, the termination of an abusive relationship does
25 not necessarily end a perpetrator's use of violence and abuse of
26 a former partner; and
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28 WHEREAS, child custody and visitation frequently become
29 disputed issues after a victim successfully escapes the abusive
30 relationship; and
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1 WHEREAS, the litigation of child custody and visitation
2 disputes often provides perpetrators with an ongoing venue for
3 the continued use of coercive control against their former
4 partners, under the guise of child custody and visitation
5 concerns; and

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7 WHEREAS, domestic violence is a crime, and not a personal
8 or family problem; and

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10 WHEREAS, section 571-46(a)(9)-(14), Hawaii Revised
11 Statutes, addresses the problems of family violence in child
12 custody disputes; and

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14 WHEREAS, it has come to the attention of the Legislature
15 that Family Court judges may not be correctly applying, using,
16 or enforcing section 571-46(a)(9)-(14), Hawaii Revised Statutes,
17 to the detriment of domestic violence survivors and their
18 children, and ultimately punishes survivors and their children
19 for successfully escaping abusive homes; now, therefore,

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21 BE IT RESOLVED by the Senate of the Twenty-fifth
22 Legislature of the State of Hawaii, Regular Session of 2010, the
23 House of Representatives concurring, that the Senate Human
24 Services Committee is designated as an investigating committee
25 pursuant to chapter 21, Hawaii Revised Statutes, to investigate
26 contested child custody proceedings where family violence has
27 been alleged to have been committed by a parent, that were heard
28 by the Family Courts from January 1, 2004, through December 31,
29 2009, and to assess the use and application of section 571-
30 46(a)(9)-(14), Hawaii Revised Statutes; and

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32 BE IT FURTHER RESOLVED that the Judiciary is requested to
33 assist the investigating committee in this endeavor; and

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35 BE IT FURTHER RESOLVED that the investigating committee
36 established pursuant to this measure have all the rights,
37 powers, and privileges established under chapter 21, Hawaii
38 Revised Statutes; and

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40 BE IT FURTHER RESOLVED that the Senate Human Services
41 Committee is requested to submit a report any findings and
42 recommendations, to the Legislature no later than twenty days
43 prior to the convening of the Regular Session of 2011; and
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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Senate President,
3 the Speaker of the House of Representatives, Chief Justice of
4 the Supreme Court, the Chief Court Administrator of each
5 Circuit, and the Chair of the Senate Human Services Committee.

