

Honolulu, Hawaii

March 10, 2010

RE: H.C.R. No. 81

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred
H.C.R. No. 81 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF CHILD
CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY
VIOLENCE BY A PARENT, TO ASSESS THE USE AND APPLICATION OF
SECTION 571-46, HAWAII REVISED STATUTES,"

begs leave to report as follows:

The purpose of this concurrent resolution is to request an
audit of the child custody proceedings involving the Commission of
Family Violence by a Parent, to assess the use and application of
Section 571-46, Hawaii Revised Statutes.

Testimony in support of this concurrent resolution was
submitted by the Angel Group, Hawaii Children's Rights Council,
and two concerned individuals.

The Hawaii State Bar Association testified in opposition to
this concurrent resolution.

Comments were offered by the Hawaii State Judiciary.

Your Committee recognizes that domestic violence can take
many forms, but the most damaging form is psychological abuse.
This form of domestic violence rarely, if ever, shows any traces
of evidence of its occurrence. It is also noted that victims of
domestic violence are encouraged to end abusive relationships.
But, as a consequence of the termination of those kinds of



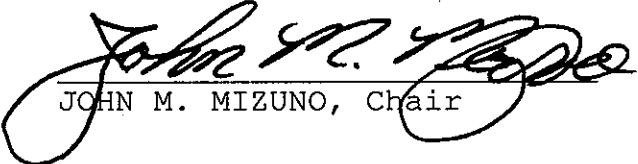
relationships, both child custody and visitation rights frequently become disputed issues. This litigation of child custody and visitation disputes often provide an ongoing means for the perpetrators to continue their abuse.

Accordingly, Your Committee notes that section 571-46(a)(9)-(14), Hawaii Revised Statutes addresses the problems of family violence in child custody disputes. It has also come to Your Committee's attention that Family Court judges may not be correctly applying, using, or enforcing Section 571-46(a)(9)-(14), Hawaii Revised Statutes.

Therefore, Your Committee recommends that the State Auditor undertake an audit of all child custody proceedings, as stated in this concurrent resolution.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 81 and recommends that it be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,


JOHN M. MIZUNO, Chair



