

Honolulu, Hawaii

March 10, 2010

RE: S.B. No. 2028
S.D. 1

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 S.B. No. 2028, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURT,"

begs leave to report as follows:

The purpose of this bill is to help provide consistency in child custody cases by, among other things, requiring the Board of Family Court Judges to establish:

- (1) Child custody evaluation standards that child custody evaluators will then apply in recommending a child custody award; and
- (2) A child custody evaluator registry that all persons, with certain exceptions, must be listed on to be appointed by the court as a child custody evaluator or testify as an expert in child custody proceedings.

The National Association of Social Workers, AngelGroup, and several concerned individuals testified in support of this bill. The Family Law Section of the Hawaii State Bar Association opposed this measure. The Judiciary; TalkDoctors; Employee Assistance Resources-Hawaii, LLC; Hawaii Association for Marriage and Family Therapy, and several concerned individuals provided comments.

Your Committee notes the concerns raised that the proposals in this measure may subvert the adjudicative function of courts by

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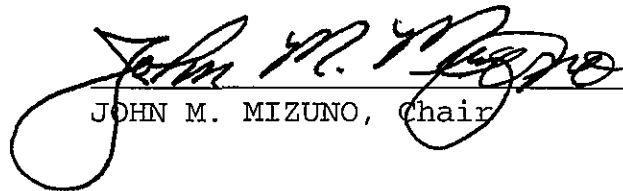


making the Judiciary responsible for the endorsement of expert witnesses and the establishment of a registry of child custody evaluators or experts appointed by the Family Court.

Additionally, your Committee understands the Judiciary's concern that with the current lack of resources, it may be difficult to fully realize this bill's purposes. Your Committee respectfully requests subsequent Committees to consider this bill in light of these concerns should they choose to hear this measure.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2028, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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


JOHN M. MIZUNO, Chair



