

STAND. COM. REP. NO.

2614

Honolulu, Hawaii

FEB 26 2010

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

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 2028 entitled:

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

begs leave to report as follows:

The purpose of this measure is to develop standards of practice and to establish a registry of child custody evaluators or experts appointed by the Family Court or produced by a party to assist the Court in awarding custody in child custody cases.

Written comments in support of this measure were submitted by four private organizations and six individuals. One state agency submitted written comments and recommendations. Written comments presented to the Committee may be reviewed on the Legislature's website.

Your Committee is concerned that this measure may be overly broad. In particular, the requirement that only a child custody evaluator or expert included in the child custody evaluator registry shall testify as an expert on behalf of a party to the proceedings to render an opinion on awarding custody will severely limit information that may be relevant to the Court.

Your Committee has amended this measure by:

- (1) Including a social worker employed by the Judiciary among those authorized to testify as an expert on behalf



of a party to the proceedings to render an opinion on awarding custody;

- (2) Clarifying that the court may allow testimony relevant to a just and reasonable determination of what is for the best physical, mental, moral, and spiritual well-being of the child whose custody is at issue, pursuant to section 571-46(a)(5), Hawaii Revised Statutes;
- (3) Amending the effective date to July 1, 2040, for the purpose of encouraging further discussion; and
- (4) Making technical amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2028, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2028, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Government Operations,

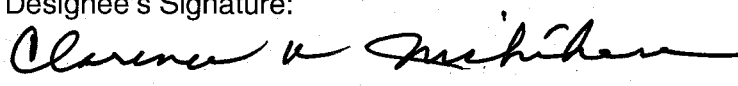


BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Government Operations**  
**JGO**

Bill / Resolution No.:* <b>SB 2028</b>	Committee Referral: <b>HMS, JGO</b>	Date: <b>2/23/10</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)				✓
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>	<b>-</b>	<b>-</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

\*Only one measure per Record of Votes