

STAND. COM. REP. NO. 1384 -10

Honolulu, Hawaii

Aug 1 23, 2010

RE: S.C.R. No. 91
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.C.R. No. 91, S.D. 1, entitled:

"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,"

begs leave to report as follows:

The purpose of this concurrent resolution is to designate the
Senate Human Services Committee as an investigative committee to
investigate contested child custody proceedings where family
violence has been alleged to have been committed by a parent.

Angel Group, the Hawaii Coalition Against Domestic Violence
and numerous concerned individuals submitted testimony in support
of this measure. The Judiciary provided comments on this measure.


Your Committee finds about half of men who batter their
partner also abuse their children. A growing trend in family
court includes joint or shared custody and the use of parenting
plans. Although your Committee believes that joint custody and
parenting plans are appropriate for non-violent families, your
Committee firmly believes that these solutions are incredibly
inappropriate for families who have a violent history.



Your Committee further finds that HRS 571-46 was adopted to prevent and curtail the further occurrence of family violence once a victim of domestic violence had successfully fled his/her abuser. However, your Committee finds that this statute can only be considered if a finding of domestic violence is made by the judge and often results in the under application of the statute.

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 S.C.R. No. 91, S.D. 1, 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



Record of Votes of the Committee on Human Services

Bill/Resolution No.: SCR 91	Committee Referral: HMS, JWP, LMG, FIN	Date: 4/22/2010		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	/			
2. BROWER, Tom (VC)	/			
3. BELATTI, Della Au	/			
4. BERTRAM, Joe, III				/
5. CARROLL, Mele	/			
6. NISHIMOTO, Scott Y.	/			
7. SHIMABUKURO, Maile S.L.	/			
8. YAMANE, Ryan I.	/			
9. WARD, Gene				/
TOTAL (9)	7	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Tom Brower</u>				
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