

Honolulu, Hawaii

MAR 30 2010

RE: S.C.R. No. 91

S.D. 1

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

Madam:

Your Committees on Human Services and Judiciary and Government Operations, to which was referred S.C.R. No. 91 entitled:

"SENATE 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,"

beg leave to report as follows:

The purpose of this measure is to request an audit of child custody proceedings involving the commission of family violence by a parent to assess the use and application of the criteria and procedure in awarding custody and visitation.

Testimony in support of this measure was submitted by The Center for Judicial Excellence, the Hawaii State Coalition Against Domestic Violence, Angel Group, and twenty-three individuals. Comments on this measure were submitted by State of Hawaii Judiciary. Written testimony presented to the Committees may be reviewed on the Legislature's website.

Your Committees find that there appears to be numerous problems with the continuity and timeliness of custody and visitation orders in the State of Hawaii, and that some cases continue on for many years, some over decades. Your Committees find that domestic violence between the parties changes the dynamic of the proceedings and often may change the custody determination. Your Committees further find that it is more



appropriate to utilize an investigating committee as opposed to an audit and that the investigation should be more focused. Accordingly, your Committees have amended this measure by:

- (1) Changing the audit to an investigating committee;
- (2) Designating the Senate Human Services Committee as the investigating committee;
- (3) Narrowing the scope of the investigation to look into only custody cases that involve domestic violence and that are contested;
- (4) Requesting the Judiciary to assist the investigative committee in this endeavor; and
- (5) Amending the title to conform to these changes.

As affirmed by the records of votes of the members of your Committees on Human Services and Judiciary and Government Operations that are attached to this report, your Committees concur with the intent and purpose of S.C.R. No. 91, as amended herein, and recommend that it be referred to the Committee on Ways and Means, in the form attached hereto as S.C.R. No. 91, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committees on Human Services  
and Judiciary and Government  
Operations,

  
BRIAN T. TANIGUCHI, Chair

  
SUZANNE CHUN OAKLAND, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

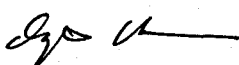
**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <i>SCR 91</i>	Committee Referral: <i>HMS/JGO, WAM</i>	Date: <i>3-30-10</i>		
<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
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
GREEN, M.D., Josh	✓			
HEMMINGS, Fred				✓
<b>TOTAL</b>	<i>3</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Signature]</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes

The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

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

Bill / Resolution No.:*	Committee Referral:	Date:		
SCR 91	HMS/JGO, WAM	3/30/10		
<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>	6	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

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