



The Judiciary, State of Hawaii

Testimony to the House Committee on Human Services

The Honorable John M. Mizuno, Chair
The Honorable Tom Brower, Vice Chair

Monday, March 8, 2010, 9:00 a.m.
State Capitol, Conference Room 329

by
Karen M. Radius
District Family Judge (Retired)
Family Court, First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2028, S.D. 1, Relating to Family Court

Purpose: Establishes a program in the family court for the registration of child custody evaluators. Allows board of family court judges to adopt certification of child custody evaluators.

Judiciary's Position:

The Judiciary respectfully submits the following comments on this bill.

Given the current budget situation and the Judiciary's current lack of resources, the Judiciary has no resources to establish, maintain and monitor this registry. In all probability, we will maintain an on-line list with a disclaimer stating that the Judiciary does not endorse the names listed.

Pursuant to Act 149 of 2008, the Judiciary convened and obtained the assistance of a child custody advisory task force to review and make findings and recommendations relating to court-appointed child custody evaluators. The task force concluded that there was not enough of a "demand" for this particular sub-specialty curriculum or course of study leading to certification or degree, except as was discussed by the Association of Marriage and Family Therapists. Also, the Task Force determined that there were not enough practitioners performing these services to warrant findings and recommendations (including resource needs) regarding the minimal



Senate Bill No.2028, S. D. 1, Relating to Family Court
House Committee on Human Services
Monday, March 8, 2010
Page 2

requirements for custody evaluators.

Thank you for the opportunity to provide testimony on this matter.

Hawaii Association for Marriage and Family Therapy



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HAMFT networks, educates, and advocates for the enrichment of our members, the advancement of our profession, and the health of our community.

March 6, 2010

To: Rep. John M. Mizuno, Chair
Rep. Tom Brower, Vice Chair
Committee on Human Services

Via email to: HUStestimony@Capitol.hawaii.gov

From: P. D. Kai Swigart, PhD, MFT, CEAP, SAP, CAI

Subj: Testimony in **STRONG SUPPORT** of **SB2028, SD 1** Relating To Family Court

Hearing: Monday, 03-08-10 9:00 AM in House conference room 329.

Honorable Chair Mizuno and Human Services Committee Members:

Thank you for hearing this important family court bill. This bill was developed by a working group focused on improvements in family court. As president of the Hawaii Association for Marriage and Family Therapy, I urge you to pass this bill as is, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators.

The performance of effective custody evaluations is critical to the courts determination of what is in the best interests of the child. This bill does not establish those standards, but does start laying the groundwork to ensure our child custody evaluators meet the requirements to perform effective evaluations. This bill complements SCR7/SR1 which creates a Family Court Custody Evaluator Working Group, tasked to "develop and recommend child custody evaluation standards and procedures and a training curriculum and course work". The Custody Evaluator registry created in this bill provides the baseline data for the SCR7/SR1 working group to develop a training curriculum and

course work.

Family Court previously kept a list of child custody evaluators and the registry created in this bill would benefit the public and the courts. A previous senior family court judge issued a memo (no longer in effect for other reasons) which required an annual declaration by child custody evaluators not unlike the registry requirements in this bill, so no new resources are required.

The Board of Family Court Judges is the best suited entity to decide how to handle the requirements of this bill and to ensure consistent standards apply to all circuits. There is only a deadline for establishing the registry, and the other requirements can be accomplished as resources are available.

For these reasons, I urge you to pass the bill as is, NOT exempt Judiciary social workers from the definition of custody evaluator and start the process of improving custody evaluations for our children.

Thank you for the opportunity to submit testimony.

Respectfully submitted,



P. D. Kai Swigart, PhD, MFT, CEAP, SAP, CAI
HAMFT President

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HAMFT networks, educates, and advocates for the enrichment of our members, the advancement of our profession, and the health of our community.

Employee Assistance Resources-Hawaii, LLC



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Via email to: HUStestimony@Capitol.hawaii.gov

From: P. D. Kai Swigart, PhD, MFT, CEAP, SAP, CAI

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Hearing: Monday, 03-08-10 9:00 AM in House conference room 329.

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P. D. Kai Swigart, PhD, MFT, CEAP, SAP, CAI

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P. D. Kai Swigart, PhD, MFT, CEAP, SAP, CAI

TESTIMONY OF CHUNMAY CHANG
FAMILY LAW SECTION, HAWAII STATE BAR ASSOCIATION

Senate Bill No. 2028 (S.D. 1)

March 8, 2010
9:00 A.M. Conference Room 329

I am the current chair of Family Law Section, Hawaii State Bar Association. The section has over 100 members who practice primarily in Family Court. I have practiced law in Hawaii for 28 years, 22 of which are in Family Court. The section members and I have many cases involving custody dispute.

Senate Bill 2028 (S.D. 1) proposes the establishment of a procedure and program whereupon the State of Hawaii Family Court is responsible for keeping a registry of Custody Evaluators, whom the Family Court or a board of family court judges is mandated to pre-qualify and also to maintain annual review and investigations of these individuals' qualifications on an annual basis. The board is also required establish the standards for child custody evaluators.

Although we understand the desire to have such standards and registry, the Section does not believe it is an appropriate function for the family court judges. We therefore do not support this proposed bill.

The bill would subvert the adjudicative function of the Court by making the Judiciary responsible for the endorsement of expert witnesses whose litigation role is already governed by established Hawaii Rules of Evidence. The proposal lists as its purpose the establishment of a registry of child custody evaluators or *experts* appointed by the family court. The judicial function is not to maintain and offer experts for the employ of the parties to litigation. That is the responsibility of the litigants and their legal counsel, if any. This proposal puts the Judiciary in the position of regulating an area of expertise that steps beyond the scope of their adjudicative duties. We are not aware of any courts that prequalify and maintain a list of experts.

At present, the standard for an expert witness is defined by his or her profession. For example, if a medical doctor is offered as an expert witness in a litigated proceeding, under Hawaii Rules of Evidence 702 to 705, the Judge in that situation is obligated to rule upon whether that Doctor can offer expert testimony based upon a set of established standards maintained by the professional licensing authority of that Doctor. In the present example, the American Medical Association, or a State Licensing Authority would govern the Doctor's area of expertise and standard of practice. The present proposal places not only the decision on

whether to qualify the Custody Evaluator in an area of expertise, but also to establish the standard by which the expert is qualified (or unqualified) to give expert testimony. This proposal would degrade the fact finding function of the Judiciary in trial proceedings.

Second, the maintaining of the registry creates a conflict of interest in litigated proceedings. The proposal puts the Judiciary in the position of ostensibly qualifying expert witnesses via benchmarks established by the Judges who will be also be considering the testimony of these individuals. This practice would create a conflict in regard to those who regulate the registry (the Judiciary) and those who seek to be included within it. If the decision of whether you qualify or not qualify for the registry is in the hands of the trier of fact, the Custody Evaluator may abandon objectivity in favor of satisfying the Judge who regulates their employment. Private custody evaluators are paid by the parties in custody litigation. Often Judges suggest or request certain custody evaluators whom that Judge believes should be employed by the parties. This proposal would narrow the list of evaluators to only those who meet the Judge's favor. The evaluator who wishes to receive income from custody evaluations would have to tailor their expertise, practice, and opinion to the standard of those who ultimately judge the credibility and veracity of their fact finding (and opinion).

Next, the registry would create both a perception that Custody Evaluators are judicially endorsed as necessary to litigated custody proceedings and that the opinion of the Evaluator (using the judiciary's own standards of practice) carried greater evidentiary weight than it currently does. This would abrogate the judicial process; making evaluator's the most important entity in a custody proceeding versus the Judges themselves. Furthermore, it would create a financial burden on litigants who buy-in to the process, when it may not otherwise be necessary. Custody evaluations cost thousands of dollars, and may be best reserved for narrowly-tailored situations instead of widespread, judicially-endorsed practice.

Finally, the qualification and registry is onerous in its requirement, scope, and allocation of resources. The maintenance of a qualified list of evaluators, in effect, creates a bureaucratic and investigative body within the Judiciary that did not exist before. The proposal lists licensures, criminal background checks, training requirements, etc. It does not state the standards by which an individual either meets muster, or does not, and this lack of definition by otherwise professionally verifiable standards (example the American Bar Association) invites disagreement of an objective standard. The time and expense to define this standard and the expense necessary to maintain this registry would be significant. These resources are best used in other functions of the Judiciary.

Thank you for the opportunity to provide testimony regarding this proposal.



March 7, 2010

RE: Strong support in favor of SB2028

Dear Legislators:

I am writing again on behalf of many members of AngelGroup to express strong support for SB2028.

This logical step provides, in the least, a valuable resource for Family Court clients. Further is a step in the right direction in terms of accountability for individuals who hold paramount decisions within the scope of their 'opinions' and determinations, as the judiciary most often defers the decision making process to these 'professionals'.

In that same light, I would encourage the Board to act swiftly upon the option to adopt certification programs, licensing criteria, education, experience and continued specialized training that makes them current with developing issues and laws, and discourages reliance upon inter-agency history and personal relationships. This will allow a more neutral approach to the individual criteria in each case, as well as provide accountability in circumstances where the professional has acted with less than ethical, professional or common sense practices.

ALL persons in a position to be a Custody Evaluator, including those in employ to the judiciary directly, or those who are contracted to Child Welfare Services but feign 'independence', or simply those citing 'independence', should be held in compliance. No loophole or lack of accountability should be permitted when lives of children are at stake.

It would be thought that the judiciary would welcome, in the least, the appearance of accountability in these matters. SB2028 provides this opportunity.

Thank you in advance for your support on this critical and necessary progress.

Standing with you,
AngelGroup

Testimony via email to: HUSstestimony@Capitol.hawaii.gov

COMMITTEE ON HUMAN SERVICES

Rep. John M. Mizuno, Chair

Rep. Tom Brower, Vice Chair

HEARING

DATE: Monday, March 8, 2010 / TIME: 9:00am

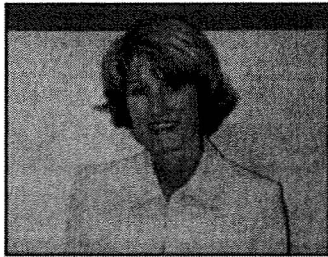
PLACE: Conference Room 329 State Capitol

SB 2028 RELATING TO FAMILY COURT: Establishes a program in the family court for the registration of child custody evaluators. Allows board of family court judges to adopt certification of child custody evaluators.

TESTIMONY FROM: Melinda (Chee) Franklin

Affiliation: Angel Group, Hawaii Children's Rights Council

email: cheem@umich.edu



I write in STRONG SUPPORT OF SB 2028 and hereto address the "Concerns" expressed by the Judiciary

SB 2028 establishes standards of practice pertinent to custody awards and criteria regarding those appointed to evaluate child custody. Importantly, it mandates professional licensure for Custody Evaluators (CE's). To protect the public, it is important to establish criteria for custody determinations as well as professional qualifications for those who perform these evaluations.

Custody determinations have been recently commented upon by the Hawaii Intermediate Court of Appeals (ICA). On June 19, 2009, as a Pro Se party, I won my Appeal # 28843 in the ICA. The ICA's *Memorandum Opinion* discusses custody determinations by the family court: "**As evidenced by this case, custody disputes are particularly susceptible to dueling allegations of misconduct and abuse. Absent a true emergency, ex- parte custody proceedings can provide fertile ground for a misuse of the judicial process.**"

Background Information: I am a mother who has been involved in protracted custody litigation. By profession, I am a licensed nurse practitioner. I care for patients with cancer. I have been recognized by my alma mater, the University of Michigan, for humanitarianism and scholarly excellence. Following my divorce

from my ex-husband, Kevin Chee (a Honolulu attorney with Chee and Markham), our custody arrangement was Joint physical and legal. After our divorce our 4 children resided primarily with me on the mainland. After 4 years, on the final day of his summer visitation, Kevin Chee did not send our children back to their primary residence with me on the mainland. He then maneuvered an Ex-Parte change of custody to Sole for himself, and attached a Temporary Restraining Order (TRO) blocking me from all contact with our 4 children. The TRO persisted for 7 years! Ongoing custody litigation left me with insurmountable debt. In 2009, as a Pro-Se litigant, I finally won my Appeal # 28843 in the Hawai'i ICA. In their *Memorandum Opinion* pertinent to my Appeal, the ICA states: ***“Before the children’s relocation to Hawai’i pursuant to the 1999 stipulated custody order, Mother had been the primary caretaker for the children. Even after the children’s relocation, Mother enjoyed liberal time-sharing rights. By prohibiting all contact between Mother and her children, the November 2000 Ex Parte Orders effected a draconian change in the custodial arrangements. Yet, the family court permitted the November 2000 Ex Parte Orders to stand without ruling on the validity of the allegations on which the orders were based or the continued necessity for the orders. We further hold that, if a family court determines that an emergency situation requires an immediate change of custody, then the ex parte order changing custody must include notice of: (1) a post-deprivation hearing, promptly set; and (2) the grounds for this extraordinary measure. A parent deprived of custody in this manner must be given a prompt and meaningful opportunity to address the allegations supporting the immediate change of custody.*”**

Here, with respect to the November, 2000 Ex-parte Orders, the family court did not comply with requirements set forth in Doe. The family court did not hold a prompt post-deprivation hearing to address the allegations supporting the change in custody over the children from joint to father’s sole custody or the restraining orders prohibiting mother from any contact with the children. Indeed, despite Father’s only seeking *temporary* sole custody of the children, and (presumably) *temporary* restraining orders prohibiting contact by Mother, the November 2000 Ex Parte Orders remained in effect for years without any substantive review by the family court. Thus the November 2000 Ex Parte Orders cannot stand.”

I strongly support SB 2028 because it establishes standards of practice for CE’s. In Chee v Chee, a change of custody occurred without a Custody Evaluation – or hearing!

I address **Judiciary testimony Concerns** as follows:

1. **Judiciary testimony concern:** adding "*excluding social workers employed by the Judiciary*" to the definition of child custody evaluator

Comment: There are no license standards or certification requirements -- only a requirement to submit an annual form with certain information, for those who perform child custody evaluations. The people who get custody reports from Judiciary social workers should understand relevant background on those social workers. There is no reason to exclude Judiciary social workers from submitting this form. **This is an ongoing issue where the Judiciary desires to exclude its own employees from procedures that apply to others. This is inappropriate, particularly for this bill.** In fact, the Judiciary is tasked to develop standards and certification, and if they desire to exclude Judiciary social workers from those standards and certification -- they can do so. The Judiciary should not be given a pass, by requiring the Legislature to exempt Judiciary social workers when the bill allows the Judiciary to make those decisions themselves.

Recommendation: Do not change the definition of child custody evaluators. Allow the Judiciary to develop its own standards, which may include their desired amendment.

2. **Judiciary testimony concern:** *Registry Resources*

Comment: Judge Wong's June 2007 memo regarding custody evaluations required an annual declaration to be filed by custody evaluators and the family court kept a list of custody evaluators and their submitted information. This bill simply continues a program initiated and maintained for some time by the family court. Other than certain required information for the registry, the courts have broad discretion in implementing and maintaining this registry -- which is NOT resource intensive. The Judiciary was given an opportunity to report resource requirement issues in their Child Custody Task Force report to the Legislature for the 2009 session. **They did not address resources, despite being specifically asked to do so.**

Recommendation: Rather than kill the registry, go forward and establish the registry and allow the Judiciary to more specifically report its resource requirements, to allow for proper evaluation by the Legislature.

3. **Judiciary testimony concern:** *resources to certify these custody evaluators*

Comment: The bill uses "shall" for: "The board shall establish child custody evaluation standards" and "The board shall recommend, for adoption by the supreme court, rules of court governing procedure and practices in such courts[.], including but not limited to the appointment and certification of child custody evaluators under

part .

Recommendation: Rather than kill the registry, go forward and establish the registry and allow the Judiciary to more specifically report its resource requirements, to allow for proper evaluation by the Legislature.

4. Judiciary testimony concern: Registry, expert testimony and HRS Chapter 626 inconsistency

Comment: Curiously, the specific inconsistency is not described. **Actually, there is no inconsistency,** only a limiting of discretion for a trial court to qualify a witness as an expert. The bill requires: "A current child custody evaluator annual declaration on file with the board shall be a prerequisite for a child custody evaluator or expert to be qualified to testify in family court on the issue of custody pursuant to section 571-46." This prerequisite is sound public policy and the information in the registry will allow the court to better determine if such a person should be an expert and allows both parties to have that information. **Having complete information on a person who wishes to testify as an expert in a child custody case is sound public policy and justifies having that person in the registry as a prerequisite to a judge then determining if that person is indeed an expert.**

Recommendation: Leave the bill as is and ask the Judiciary to explain their comment and describe the claimed inconsistencies. Unless there are standards of practice pertinent to custody awards and criteria regarding those appointed to evaluate child custody, the injustice my children and I have suffered will continue.

Respectfully submitted,

Melinda (Chee) Franklin,

Member, Angel Group, and Hawai'i Childrens Rights Council

"Injustice anywhere is a threat to justice everywhere"

Dr. Martin Luther King Jr.



House HUS committee
Monday March 8, 2010
9:00 am
Room 329

National Association of Social Workers

Hawaii Chapter

March 7, 2010

TO: Rep. John Mizuno, Chair
And members of the House Human Services Committee

FROM: Debbie Shimizu, LSW
National Association of Social Workers, Hawaii Chapter

RE: SB 2028 SD1 Relating to Family Court

Chair Mizuno and members of the House Human Services Committee, I am Debbie Shimizu, Executive Director of the National Association of Social Workers, Hawaii Chapter (NASW). I am testifying in **SUPPORT of SB 2028 SD1 Relating to Family Court.**

NASW participated in the SCR 52 Task Force and the continuing meetings during the last interim. More specifically I was involved in the working group that reviewed the child custody evaluation process, the qualifications and selection process for custody evaluators. There was concern that there was no systematic process used by the Court for selecting custody evaluators and that there were no standards established for qualifications and training of child custody evaluators.

I believe this is a good first step to addressing the current situation in Family Court by establishing a registry of child custody evaluators and identifies certain standard information from all individuals who perform child custody evaluations. The intent of this legislation is to begin to establish uniformity for custody evaluators and evaluations. I believe this is a step in the right direction.

Thank you for the opportunity to testify.

Ariel Court, M.A., MFT Intern

354 Uluniu Street, Suite 412, Kailua, HI 96734

Testimony for House Committee on Human Services
Hearing scheduled: Monday, 03-08-10 9:00 a.m. in House conference room 329
Measure #: SB2028
Support
Copies needed: 2

March 6, 2010

Rep. John M. Mizuno, Chair
Rep. Tom Brower, Vice Chair
Committee on Human Services
State Capitol, Conference Room 329
415 S. Beretania Street
Honolulu, HI 96813

RE: SB 2028, SD1 RELATING TO FAMILY COURT/SUPPORT

Honorable Chair Mizuno and Human Services Committee Members:

Thank you for hearing this important family court bill. This bill was developed by a working group focused on improvements in family court. As owner of (insert Business Name), I urge you to pass this bill as is, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators.

The performance of effective custody evaluations is critical to the courts determination of what is in the best interests of the child. This bill does not establish those standards, but does start laying the groundwork to ensure our child custody evaluators meet the requirements to perform effective evaluations. This bill complements SCR7/SR1 which creates a Family Court Custody Evaluator Working Group, tasked to "develop and recommend child custody evaluation standards and procedures and a training curriculum and course work". The Custody Evaluator registry created in this bill provides the baseline data for the SCR7/SR1 working group to develop a training curriculum and course work.

Family Court previously kept a list of child custody evaluators and the registry created in this bill would benefit the public and the courts. A previous senior family court judge issued a memo (no longer in effect for other reasons) which required an annual declaration by child custody evaluators not unlike the registry requirements in this bill, so no new resources are required.

The Board of Family Court Judges is the best suited entity to decide how to handle the requirements of this bill and to ensure consistent standards apply to all circuits. There is only a deadline for establishing the registry, and the other requirements can be accomplished as resources are available.

For these reasons, I urge you to pass the bill as is, NOT exempt Judiciary social workers from the definition of custody evaluator and start the process of improving custody evaluations for our children.

Thank you for the opportunity to submit testimony.

Respectfully submitted,

Ariel Court, M.A., MFT Intern
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Jacy L. Campbell
HAMFT Student Rep.
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Testimony for Senate Committee on Judiciary and Government Operations
Hearing scheduled: Monday, 03-08-10 9:00 a.m. in House conference room 329
Measure #: SB2028
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Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations
Hawaii State Capitol, Room 329
415 S. Beretania Street
Honolulu, HI 96813

RE: SB 2028, Relating to Custody Evaluator Registry /SUPPORT

Honorable Chair and Committee Members:

Thank you for hearing this important family court bill. This bill was developed by a working group focused on improvements in family court. As a Marriage and Family Therapy (MFT) student at Argosy University, I urge you to pass this bill as is, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators.

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Jacy L. Campbell
HAMFT Student Representative

Donna M. Charron, MFT

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415 S. Beretania Street
Honolulu, HI 96813

RE: SB 2028, SD1 RELATING TO FAMILY COURT/SUPPORT

Honorable Chair Mizuno and Human Services Committee Members:

Thank you for hearing this important family court bill. This bill was developed by a working group focused on improvements in family court. As a private practitioner and an employee of the YWCA of Kauai, I urge you to pass this bill as is, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators.

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RE: SB 2028, SD1 RELATING TO FAMILY COURT/SUPPORT

Honorable Chair Mizuno and Human Services Committee Members:

Thank you for hearing this important family court bill. This bill was developed by a working group focused on improvements in family court. As owner of (insert Business Name), I urge you to pass this bill as is, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators.

The performance of effective custody evaluations is critical to the courts determination of what is in the best interests of the child. This bill does not establish those standards, but does start laying the groundwork to ensure our child custody evaluators meet the requirements to perform effective evaluations. This bill complements SCR7/SR1 which creates a Family Court Custody Evaluator Working Group, tasked to "develop and recommend child custody evaluation standards and procedures and a training curriculum and course work". The Custody Evaluator registry created in this bill provides the baseline data for the SCR7/SR1 working group to develop a training curriculum and course work.

Family Court previously kept a list of child custody evaluators and the registry created in this bill would benefit the public and the courts. A previous senior family court judge issued a memo (no longer in effect for other reasons) which required an annual declaration by child custody evaluators not unlike the registry requirements in this bill, so no new resources are required.

The Board of Family Court Judges is the best suited entity to decide how to handle the requirements of this bill and to ensure consistent standards apply to all circuits. There is only a deadline for establishing the registry, and the other requirements can be accomplished as resources are available.

For these reasons, I urge you to pass the bill as is, NOT exempt Judiciary social workers from the definition of custody evaluator and start the process of improving custody evaluations for our children.

Thank you for the opportunity to submit testimony.

Respectfully submitted,

Kai La Hansen

Patricia Lynn

1390 Olinda Road
Makawao, HI 96867
808 572 9970

Testimony for House Committee on Human Services
Hearing scheduled: Monday, 03-08-10 9:00 a.m. in House conference room 329
Measure #: SB2028
Support
Copies needed: 2

March 6, 2010

Rep. John M. Mizuno, Chair
Rep. Tom Brower, Vice Chair
Committee on Human Services
State Capitol, Conference Room 329
415 S. Beretania Street
Honolulu, HI 96813

RE: SB 2028, SD1 RELATING TO FAMILY COURT/SUPPORT

Honorable Chair Mizuno and Human Services Committee Members:

Thank you for hearing this important family court bill. This bill was developed by a working group focused on improvements in family court. As a student of Marriage and Family Therapy, I urge you to pass this bill as is, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators.

The performance of effective custody evaluations is critical to the courts determination of what is in the best interests of the child. This bill does not establish those standards, but does start laying the groundwork to ensure our child custody evaluators meet the requirements to perform effective evaluations. This bill complements SCR7/SR1 which creates a Family Court Custody Evaluator Working Group, tasked to "develop and recommend child custody evaluation standards and procedures and a training curriculum and course work". The Custody Evaluator registry created in this bill provides the baseline data for the SCR7/SR1 working group to develop a training curriculum and course work.

Family Court previously kept a list of child custody evaluators and the registry created in this bill would benefit the public and the courts. A previous senior family court judge issued a memo (no longer in effect for other reasons) which required an annual declaration by child custody evaluators not unlike the registry requirements in this bill, so no new resources are required.

The Board of Family Court Judges is the best suited entity to decide how to handle the requirements of this bill and to ensure consistent standards apply to all circuits. There is only a deadline for establishing the registry, and the other requirements can be accomplished as resources are available.

For these reasons, I urge you to pass the bill as is, NOT exempt Judiciary social workers from the definition of custody evaluator and start the process of improving custody evaluations for our children.

Thank you for the opportunity to submit testimony.

Respectfully submitted,

Patricia Lynn

Laurie La Madrid
MFT Student & HMAFT Member

P.O. Box 893391
Milliani, HI 96789
227-9016
laurie.lamadrid@gmail.com

Testimony for Senate Committee on Judiciary and Government Operations
Hearing scheduled: Monday, 03-08-10 9:00 a.m. in House conference room 329
Measure #: SB2028
Support
Copies needed: 2

March 6, 2010

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations
Hawaii State Capitol, Room 329
415 S. Beretania Street
Honolulu, HI 96813

RE: SB 2028, Relating to Custody Evaluator Registry /SUPPORT

Honorable Chair and Committee Members:

Thank you for hearing this important family court bill. This bill was developed by a working group focused on improvements in family court. As a student in the MFT at Argosy University, I urge you to pass this bill as is, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators.

The performance of effective custody evaluations is critical to the courts determination of what is in the best interests of the child. This bill does not establish those standards, but does start laying the groundwork to ensure our child custody evaluators meet the requirements to perform effective evaluations. This bill complements SCR7/SR1 which creates a Family Court Custody Evaluator Working Group, tasked to "develop and recommend child custody evaluation standards and procedures and a training curriculum and course work". The Custody Evaluator registry created in this bill provides the baseline data for the SCR7/SR1 working group to develop a training curriculum and course work.

Family Court previously kept a list of child custody evaluators and the registry created in this bill would benefit the public and the courts. A previous senior family court judge issued a memo (no longer in effect for other reasons) which required an annual declaration by child custody evaluators not unlike the registry requirements in this bill, so no new resources are required.

The Board of Family Court Judges is the best suited entity to decide how to handle the requirements of this bill and to ensure consistent standards apply to all circuits. There is only a deadline for establishing the registry, and the other requirements can be accomplished as resources are available.

For these reasons, I urge you to pass the bill as is, NOT exempt Judiciary social workers from the definition of custody evaluator and start the process of improving custody evaluations for our children.

Thank you for the opportunity to submit testimony.

Respectfully submitted,

Laurie L. La Madrid

Lydee Ritchie, MA, MFT

Maui Counseling Services
Aloha House, Inc.
1787 Wili Pa Loop, Sute. #7
Wailuku, HI 96768
808.249.2121

Testimony for House Committee on Human Services
Hearing scheduled: Monday, 03-08-10 9:00 a.m. in House conference room 329
Measure #: SB2028
Support
Copies needed: 2

March 7, 2010

Rep. John M. Mizuno, Chair
Rep. Tom Brower, Vice Chair
Committee on Human Services
State Capitol, Conference Room 329
415 S. Beretania Street
Honolulu, HI 96813

RE: SB 2028, SD1 RELATING TO FAMILY COURT/SUPPORT

Honorable Chair Mizuno and Human Services Committee Members:

Thank you for hearing this important family court bill. This bill was developed by a working group focused on improvements in family court. As an Intensive Family Therapist for Family Court Drug Court on Maui, I urge you to pass this bill as is, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators.

The performance of effective custody evaluations is critical to the courts determination of what is in the best interests of the child. This bill does not establish those standards, but does start laying the groundwork to ensure our child custody evaluators meet the requirements to perform effective evaluations. This bill complements SCR7/SR1 which creates a Family Court Custody Evaluator Working Group, tasked to "develop and recommend child custody evaluation standards and procedures and a training curriculum and course work". The Custody Evaluator registry created in this bill provides the baseline data for the SCR7/SR1 working group to develop a training curriculum and course work.

Family Court previously kept a list of child custody evaluators and the registry created in this bill would benefit the public and the courts. A previous senior family court judge issued a memo (no longer in effect for other reasons) which required an annual declaration by child custody evaluators not unlike the registry requirements in this bill, so no new resources are required.

The Board of Family Court Judges is the best suited entity to decide how to handle the requirements of this bill and to ensure consistent standards apply to all circuits. There is only a deadline for establishing the registry, and the other requirements can be accomplished as resources are available.

For these reasons, I urge you to pass the bill as is, NOT exempt Judiciary social workers from the definition of custody evaluator and start the process of improving custody evaluations for our children.

Thank you for the opportunity to submit testimony.

Respectfully submitted,

Lydee Ritchie, MA MFT - Licensed in Hawaii
Intensive Family Therapist, Family Court Drug Court, Maui

Testimony for House Committee on Human Services
Hearing scheduled: Monday, 03-08-10 9:00 a.m. in House conference room 329
Measure #: SB2028
Support
Copies needed: 2

March 6, 2010

Rep. John M. Mizuno, Chair
Rep. Tom Brower, Vice Chair
Committee on Human Services
State Capitol, Conference Room 329
415 S. Beretania Street
Honolulu, HI 96813

RE: SB 2028, SD1 RELATING TO FAMILY COURT/SUPPORT

Honorable Chair Mizuno and Human Services Committee Members:

Thank you for hearing this important family court bill. This bill was developed by a working group focused on improvements in family court. As owner of Kauai Family Therapy, I urge you to pass this bill as is, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators.

The performance of effective custody evaluations is critical to the courts determination of what is in the best interests of the child. This bill does not establish those standards, but does start laying the groundwork to ensure our child custody evaluators meet the requirements to perform effective evaluations. This bill complements SCR7/SR1 which creates a Family Court Custody Evaluator Working Group, tasked to "develop and recommend child custody evaluation standards and procedures and a training curriculum and course work". The Custody Evaluator registry created in this bill provides the baseline data for the SCR7/SR1 working group to develop a training curriculum and course work.

Family Court previously kept a list of child custody evaluators and the registry created in this bill would benefit the public and the courts. A previous senior family court judge issued a memo (no longer in effect for other reasons) which required an annual declaration by child custody evaluators not unlike the registry requirements in this bill, so no new resources are required.

The Board of Family Court Judges is the best suited entity to decide how to handle the requirements of this bill and to ensure consistent standards apply to all circuits. There is only a deadline for establishing the registry, and the other requirements can be accomplished as resources are available.

For these reasons, I urge you to pass the bill as is, NOT exempt Judiciary social workers from the definition of custody evaluator and start the process of improving custody evaluations for our children.

Thank you for the opportunity to submit testimony.

Respectfully submitted,

Jennifer Stevens, MA MFT

March 8, 2010

To: Rep. John M. Mizuno, Chair
Rep. Tom Brower, Vice Chair
Committee on Human Services
Via email to: HUStestimony@Capitol.hawaii.gov

From: Tom Marzec
Subj: Testimony in **STRONG SUPPORT** of **SB2028 SD1** Custody Evaluator Registry

Hearing: Monday, March 8, 2010; 9:00 a.m.; Room 329, State Capitol

This bill was developed by a working group focused on improvements in family court. As a member of that working group, I urge you to pass this bill, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators.

The performance of effective custody evaluations is critical to the courts determination of what is in the best interests of the child. This bill does not establish those standards, but does start laying the groundwork to ensure our child custody evaluators meet the requirements to perform effective evaluations. This bill complements SCR7/SR1 which creates a Family Court Custody Evaluator Working Group, tasked to "develop and recommend child custody evaluation standards and procedures and a training curriculum and course work". The Custody Evaluator registry created in this bill provides the baseline data for the SCR7/SR1 working group to develop a training curriculum and course work.

Family Court previously kept a list of child custody evaluators and the registry created in this bill would benefit the public and the courts. This bill simply continues a program initiated and maintained for some time by the family court. Other than certain required information for the registry, the courts have broad discretion in implementing and maintaining this registry -- which is NOT resource intensive (i.e. keeping paper or electronic copies of the forms). The registry value far outweighs the small resource requirements.

The Board of Family Court Judges is the best suited entity to decide how to handle the requirements of this bill and to ensure consistent standards apply to all circuits.

Lastly, because this bill does not establish any CE standards, amendments intended to establish any standards are counter to the intent of the bill and were not addressed by the working group that collaborated on this measure.

Your consideration of these issues is appreciated.

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Mitchell Berman
Organization: Individual
Address: 10825 Kula Hwy Kula, HI 96790
Phone: 808-878-3414
E-mail: mmb246@clearwire.net
Submitted on: 3/7/2010

Testimony for House Committee on Human Services Hearing scheduled: Monday, 03-08-10 9:00 a.m.
in House conference room 329 Measure #: SB2028 Support Copies needed: 2

Rep. John M. Mizuno, Chair
Rep. Tom Brower, Vice Chair
Committee on Human Services
State Capitol, Conference Room 329

RE: SB 2028, SD1 RELATING TO FAMILY COURT/SUPPORT

Honorable Chair Mizuno and Human Services Committee Members:

Thank you for hearing this important family court bill. As a family court mediator I am in favor of this bill. The bill was developed by a working group focused on improvements in family court. As owner of a psychotherapy service and as a court mediator, I urge you to pass this bill as is, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators.

The performance of effective custody evaluations is critical to the courts determination of what is in the best interests of the child. This bill does not establish those standards, but does start laying the groundwork to ensure our child custody evaluators meet the requirements to perform effective evaluations. This bill complements SCR7/SR1 which creates a Family Court Custody Evaluator Working Group, tasked to "develop and recommend child custody evaluation standards and procedures and a training curriculum and course work". The Custody Evaluator registry created in this bill provides the baseline data for the SCR7/SR1 working group to develop a training curriculum and course work.

Family Court previously kept a list of child custody evaluators and the registry created in this bill would benefit the public and the courts. A previous senior family court judge issued a memo (no longer in effect for other reasons) which required an annual declaration by child custody evaluators not unlike the registry requirements in this bill, so no new resources are required.

The Board of Family Court Judges is the best suited entity to decide how to handle the requirements of this bill and to ensure consistent standards apply to all circuits. There is only a deadline for establishing the registry, and the other requirements can be accomplished as resources are available.

For these reasons, I urge you to pass the bill as is, NOT exempt Judiciary social workers from the definition of custody evaluator and start the process of improving custody evaluations for our children.

Thank you for the opportunity to submit testimony.

Respectfully submitted,

Mitchell Berman, MA
Licensed Marriage and Family Therapist

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 07, 2010 4:50 PM
To: HUS testimony
Cc: acara@hawaii.rr.com
Subject: Testimony for SB2028 on 3/8/2010 9:00:00 AM

Testimony for HUS 3/8/2010 9:00:00 AM SB2028

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Anthony R. Cara
Organization: Individual
Address: 361 Holokai Pl. Honolulu, HI 96825
Phone: 808-396-5610
E-mail: acara@hawaii.rr.com
Submitted on: 3/7/2010

Comments:
Thank you, I strongly support this bill.

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 06, 2010 3:25 PM
To: HUS testimony
Cc: rosanknudson@gmail.com
Subject: Testimony for SB2028 on 3/8/2010 9:00:00 AM

Testimony for HUS 3/8/2010 9:00:00 AM SB2028

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Rosana Knudson
Organization: Individual
Address: 77-373 Sunset St Kailua-Kona
Phone: (808) 640-7377
E-mail: rosanknudson@gmail.com
Submitted on: 3/6/2010

Comments:

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 07, 2010 4:47 AM
To: HUStestimony
Cc: mmarkkeyy@msn.com
Subject: Testimony for SB2028 on 3/8/2010 9:00:00 AM

Testimony for HUS 3/8/2010 9:00:00 AM SB2028

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: mark matsushita
Organization: Individual
Address:
Phone:
E-mail: mmarkkeyy@msn.com
Submitted on: 3/7/2010

Comments:

Thank you for hearing this important family court bill. This bill was developed by a working group focused on improvements in family court. As I work towards my licensure as a Marriage and Family Therapist, I urge you to pass this bill as is, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators.

The performance of effective custody evaluations is critical to the courts determination of what is in the best interests of the child. This bill does not establish those standards, but does start laying the groundwork to ensure our child custody evaluators meet the requirements to perform effective evaluations. This bill complements SCR7/SR1 which creates a Family Court Custody Evaluator Working Group, tasked to "develop and recommend child custody evaluation standards and procedures and a training curriculum and course work". The Custody Evaluator registry created in this bill provides the baseline data for the SCR7/SR1 working group to develop a training curriculum and course work.

Family Court previously kept a list of child custody evaluators and the registry created in this bill would benefit the public and the courts. A previous senior family court judge issued a memo (no longer in effect for other reasons) which required an annual declaration by child custody evaluators not unlike the registry requirements in this bill, so no new resources are required.

The Board of Family Court Judges is the best suited entity to decide how to handle the requirements of this bill and to ensure consistent standards apply to all circuits. There is only a deadline for establishing the registry, and the other requirements can be accomplished as resources are available.

For these reasons, I urge you to pass the bill as is, NOT exempt Judiciary social workers from the definition of custody evaluator and start the process of improving custody evaluations for our children.