

SB2028

Late

From: Kathryn Rose [mskathrynrose@yahoo.com]
Sent: Tuesday, February 23, 2010 8:55 AM
To: JGO Testimony; KAT2
Subject: Testimony in STRONG SUPPORT of SB2028 Custody Evaluator Registry, Feb 23/10 10:00 am, Room 016

LATE

Date: Tues 23rd Feb 2010
To: JGOTestimony@Capitol.hawaii.gov
From: Kathryn Rose mskathrynrose@yahoo.com
Subject: Testimony in STRONG SUPPORT of SB2028 Custody Evaluator Registry, Feb 23/10 10:00 am, Room 016

February 23, 2010

To: Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations
Via email to: JGOTestimony@Capitol.hawaii.gov

From: Kathryn Rose
Subj: Testimony in **STRONG SUPPORT** of **SB2028** Custody Evaluator Registry

Hearing: Tuesday, February 23, 2010; 10:00 a.m.; Room 016, State Capitol

I am a private citizen and resident of Hawaii for 25-years. As a TASK FORCE volunteer member I have had the opportunity for 8-years working, supporting and developing legislation which protects the best interest of children's rights, family peace and the importance of the family unit in support of our children's needs.

This bill was developed by a working group to focused on improvements and the needs for the family unit evaluation process in family court. I request you to pass this bill in it's present form, in order to create a "registry of child custody evaluators".

This would be the infancy step towards the process for developing standards of practice and certification for child custody evaluators.

My personally experience of going through this process twice, it is essential the first process of available names of custody evaluators and their experience, qualifications and attention to detail research information is necessary.

Incomplete, poor, rushed or inexperienced evaluator's reports are detrimental to the best interest of any child. It is now 9-years later of losing custody to climb a very difficult uphill battle to reverse the custody decision and repair the damage done to this child is unbearable for any parent, mother, father or family unit to comprehend.

Today I stand before you with a second Custody Evaluator Report recommending and supporting a change of custody to myself. I believe this detailed investigation of a trained forensic expert was the bases of valuable critical information needed and presented to the Judge and family court so the truth and validity of the best interest of a now 14-year old daughter was deeply needed. This has been a horrendous emotional, physical, psychological and financially painful 9-years I don't wish upon any child, parent or family unit.

Let this Custody Evaluator Registry be the seed and grass root foundation to establishing future criteria and or laws on standards, rules, policies and procedures for family court evaluations.

I urgently ask you pass this SB2020 BILL without any changes.

Your consideration of these issues is appreciated.

Kathryn Rose, (808)429-5888

LATE

Laurette DeMandel-Schaller, M.F.T., S.A.P., Ph.D
Court Appointed: Custody Evaluator, Guardian ad Litem, and Senior Mediator

Private Practice at Lihue Office on Kaua'i
2975 Haleko Road, Suite 307

CALIFORNIA

LICENSED IN HAWAII AND

PRINCEVILLE OFFICE, P.O. BOX 1071
HANAIEI, HAWAII 96714
PHONE: (808) 826-1490
FAX: (808) 826-9697
dr.la@aloha.net

February 23, 2010

To: Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations
Via email to: JGOTestimony@Capitol.hawaii.gov

From: Laurette DeMandel-Schaller, MFT, SAP, Ph.D.

Subj: Testimony in **STRONG SUPPORT** of **SB2028** Custody Evaluator Registry

Hearing: Tuesday, February 23, 2010; 10:00 a.m.; Room 016, State Capitol

Mahalo for hearing this important family court bill! This bill was developed by a working group focused on improvements in family court. As a member of this SR-10 working group and the Child Custody Evaluator Subcommittee Chairperson of this group in 2009, 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,

Laurette DeMandel-Schaller, MFT, SAP, Ph.D.

Licensed in Hawaii and California.
Court Appointed CE, GAL, and Senior Mediator.
HAMFT Ethics Committee Chairperson,
HAMFT Legislative Co-Committee Chairperson,
HAMFT Political Action Committee Secretary.
Voting Member, Family Court Interventions, SR-10
Working Group, Hawaii State Legislature.
Kaua'i Community Children's Council.
Kaua'i Resident in private practice for 22 years.
Hawaii State Council on Developmental Disabilities:
Member DDC Legislative Network.



February 22, 2010

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations

RE: Testimony in support of Custody Evaluator Registry – SB2028

As an advocacy group in support of accountability and transparency in Family Court, we stand in strong support of a Custody Evaluator Registry. This comprehensive list provides the public a basic resource to make informed decisions that will affect their lives, and the lives of their children, in extremely profound ways.

Family Court often bases final custody orders on investigations and assessments of custody evaluators (including Guardian ad Litem). The education, experience, and temperament (combination of mental, physical, and emotional traits of a person) of these "expert(s)" is paramount to "best interests" of the child(ren), as well as court clients who live with the consequences long after proceedings are complete.

As they hold position as "professionals" Custody Evaluators should be held accountable to reveal the level of their professionalism. A professional is defined as: "skilled, trained...person prepared for work by extended study or practice". There should be no exclusion in disclosure whether that person is an "independent", or under direct hire by the judiciary or social services. Qualifications are qualifications and violations are violations. The judiciary could welcome this request based on a desire to elicit and deserve the public's faith, trust and confidence.

Too many times we have heard of cases where CEs and GALs are not qualified and lack the experience or education to make appropriate assessments in regard to custody, especially in cases involving Domestic/Intimate Partner Violence/Abuse. Often these specialists are simply attorneys with a new title or DHS workers who have not updated their skills or experience with ever-evolving developments.

During the highly stressed process of divorce and custody evaluation, parents/custodians are under great stress. They are exposed and subject to intimate microscopic disclosures about their life and person. This exposure, in the wrong hands and with an untrained, inexperienced, or vindictive person, can literally mean life or death.

In this light, one can easily see how accountability and transparency in relation to these key Family Court 'fixtures' is not only prudent, but warrants sufficient certification, transparency and oversight.

Standing with you,
AngelGroup

February 22, 2010

Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair
Committee on Judiciary and Government Operations

RE: Testimony in support of Custody Evaluator Registry – SB2028

Via email to: JGOTestimony@Capitol.hawaii.gov

The focus to improve a personal experience in family court is desperately needed. As a mother of a child abused by corruption in the family court, in large part to a dishonest, negligent and biased GAL, 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.

Custody Evaluators and GAL's are of paramount importance in the family court system and their performance is what determines the future of a child and the scope of the parental rights allowed to each parent of that child. Registry of the correctly trained CE's will allow for a much greater chance that the best interests of the child will prevail. Substantiated complaints should remove an evaluator or GAL from the approved Judiciary lists with the caveat that they not be added back to the list until additional training and re-certification has been completed. This bill does not establish those standards, but it does begin the groundwork to ensure our child custody evaluators and GAL's meet the requirements to perform effective evaluations and that they actually do so. Additional work is needed and there is much more to be done.

The previously kept list of child custody evaluators and the registry created in this bill would benefit the public and the courts. GAL's need also to be subject to these guidelines as many family courts judges appoint "private" para-professionals without disclosing that they are contracted directly with the court or CPS and are in fact NOT private and NOT independent. The designation however of "private" often excludes them from guidelines and statutes requiring performance quality and non-bias.

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; however there needs to be a non-judiciary party involved to oversee that the Judiciary does in fact institute effective and correct standards and that the Judiciary abides by and applies the same standards in the courtrooms. Registering CE's is the beginning of this process

There is no inconsistency with statutes if the Judiciary would apply them in cases before them. A required step prior to the trial court using its discretion to qualify a witness as an expert is more than common sense. Additional guidelines to qualify the para-professionals working with children is just sound public policy. Enforcement and application of the guidelines will stay many problems and allow the Judiciary to be accountable to the families and children who place their lives in the hands of the Judiciary. Taking the necessary steps to qualify a witness and have guidelines for them to follow will save the judiciary time and therefore dollars as well.

Thank you for reviewing my testimony.

Paige Calahan
PO Box 1380
Puunene, Maui, Hawaii 96784

MARVIN W. ACKLIN, PH.D.

Diplomate in Clinical & Forensic Psychology

American Board of Professional Psychology

850 W. Hind Drive, Suite 203

Honolulu, Hawai'i 96821

LATE

(808) 373-3880

Fax: (808) 373-1158

February 22, 2010

Committee on Judiciary and Government Operations
Senator Brian T. Taniguchi, Chair
Senator Dwight Y. Takamine, Vice Chair

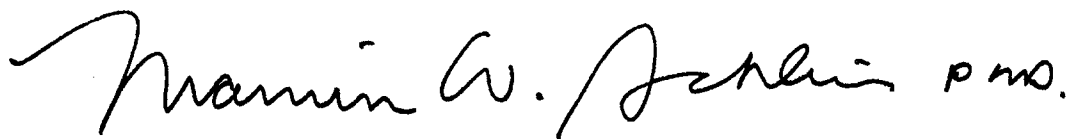
Re: SB 2028, Relating to Family Court
Tuesday, February 23, 2010
10:00 a.m.

Dear Sirs,

As an experienced child custody evaluator practicing at the Family Court of the First Circuit for 18 years, I am writing to request your support of this important bill relating to the registration and qualification of Custody Evaluators in the Family Court. SB2028 promises to set the stage for important developments in improving the quality of custody evaluations performed in the State of Hawaii.

Thank you for your attention and consideration.

Sincerely yours,

A handwritten signature in black ink that reads "Marvin W. Acklin Ph.D." The signature is fluid and cursive, with the initials "P.M.D." written at the end.

Marvin W. Acklin, Ph.D., ABPP
Clinical & Forensic Psychologist

Written Statement of
YUKA NAGASHIMA
Executive Director & CEO
High Technology Development Corporation
before the
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
Tuesday, February 23, 2010
10:00 AM
State Capitol, Conference Room 016

In consideration of
SB 2710 SD1 RELATING TO BOARD MEETINGS.

Chair Taniguchi, Vice Chair Takamine, and Members of the Senate Committee on Judiciary and Government Operations.

The High Technology Development Corporation (HTDC) strongly supports SB 2710 SD1, which amends Section 92-2 of the Hawaii Revised Statutes by updating the terms under which technology can be utilized to hold board meetings. HTDC respectfully offers suggestions to further clarify the intent of this important bill, so its goals may be realized.

Government should be a place where people can be brought together. It needs to be open and transparent. In the past, Section 92-2 of the Hawaii Revised Statutes presented language to protect the public from closed meetings; it is now time to update this language to keep up with the technological advancements. As the language is written now, the current law hinders, not enhances, the ability of the public to participate in debates and conversation that ought to be open. By making it easier to accommodate interactive conference technology, one can increase neighbor island participation and include private sector members who would like to serve the government as a board member, but have travel schedules that prevent them from regularly attending the meetings.

From a State agency perspective, the amendment is also very much welcomed because it means we are more likely to be able to achieve quorum to hold meetings on a regular basis, and it reduces the expense (as we are responsible for reimbursing travel expenditures of our board members).

There are two areas where the bill language should be further clarified:

(1) Remote location(s) identified where the member(s) of the board who will attend via interactive conference technology SHOULD NOT have to be open to the public, nor its location, if private, be disclosed.

(2) The act of a remote participant voluntarily terminating the connection via interactive conference technology should not force the meeting itself to be terminated, as long as quorum is present (by counting the rest of the participants, remote or physically present). Despite the comments in SSCR2135 to the contrary, HTDC's Deputy Attorney General believes that clarification of language is advisable if the bill intends to allow board meetings to continue if the connection is voluntarily terminated but a quorum of the board remains.

HTDC offers the following amendments to the bill to clarify the language in the two areas cited above:

- Beginning on page 2, line 19, the second sentence of subsection 92-3.5(a) should be deleted in its entirety

~~The notice required by section 92-7 shall specify all locations at which board members will be physically present during a videoconference meeting. The notice shall also specify that the public may attend the meeting at any of the specified locations, as well as where the public is to meet to participate in the meeting by interactive conference technology.~~

- Page 3, lines 8 to 15 should read as follows:

“(c) A meeting held by [~~videoconference~~] interactive conference technology shall be terminated [of, after the meeting convenes, both the] when audio [and video] communication cannot be maintained with all locations where the meeting by interactive conference technology is being held[, even if a quorum of the board is physically present in one location]; provided that a meeting may [be continued by audio communication alone, if:] continue if the audio communication was voluntarily terminated by the member or members participating by interactive conference technology, a quorum of the board remains present either physically or by interactive conference technology, and audio communication is maintained with all locations where the public is attending the meeting by interactive conference technology.”

Thank you for the opportunity to submit testimony in strong support.