

**SCR 7**



# HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

TO: Chair Chun Oakland, Chair Taniguchi and Committee Members

FR: Jane Seymour, Hawaii State Coalition Against Domestic Violence

Hearing date and time: Tuesday, March 30, 2010 @ 10:05am

RE: Opposition to SCR7/SR1: Family Court Custody Evaluator Working Group

Aloha, my name is Jane Seymour and I am representing the HSCADV, a private non-profit agency which serves as a touchstone agency for the majority of domestic violence programs throughout the state. For many years HSCADV has worked with the Hawaii Legislature by serving as an educational resource and representing the many voices of domestic violence programs and survivors of domestic violence.

HSCADV opposes SCR7/SR1

The group to study family court legal interventions has been in existence since 2004 and the HSCADV has regularly participated in this group. The group has spent a great deal of time researching and studying a variety of issues, including custody evaluators in family court. Many recommendations and several pieces of legislation have emerged from the discussions and efforts of the working group

The Hawaii State Coalition Against Domestic Violence does not support the formation of a working group to further study family court custody evaluators. At a time when resources are scarce, it is our position that this group is un-necessary. We believe that the Family Court Legal Interventions Working Group has provided for plenty of opportunities for discussion and debate on custody evaluators over the years, and further exploration would simply be redundant.

Additionally, cases that involve domestic violence face unique challenges in the family court system, and the working group may not be able to address these specific concerns. We do not want the working group to undermine the progress that has been made by the Hawaii Legislature and nationally by the Violence Against Women Act (VAWA) in protecting the rights of battered women and their children in family court.

For the above reasons, we respectfully request that you hold SCR7/SR1. Thank you for the opportunity to testify.

# Employee Assistance Resources-Hawaii, LLC



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**Testimony by:**

**Paul D. Kai Swigart, Ph.D., M.F.T**

**SCR 7 regarding working group for addressing family court child custody evaluator issues**

**Senate and House Committees on Human Services**

**March 30, 2010; 10:05 a.m.; Room 016**

**Position: Support**

Honorable Chairs and Committee Members:

My name is Paul D. Kai Swigart, Ph.D., M.F.T. I am writing as a licensed Marriage and Family Therapist (MFT), member of the Hawaii Association for Marriage and Family Therapy (HAMFT), and owner of Employee Assistance Resources-Hawaii, LLC.

A group to study family court legal interventions first came together in 2004, under the leadership of Senator Chun Oakland and Senator Fukunaga. This group has continued to meet, study issues, report, collaborate and propose legislation -- up to the present legislative session. Several of the groups proposals have been enacted into law, some of which include mandatory parenting plans, defined criteria for the best interests of the child and child custody evaluation initiatives.

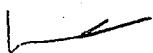
The group's members include a broad cross-section of the community, from grassroots public citizens and academic institutions to government and non-profit agencies. Continuing these efforts is essential, as this group has successfully collaborated on family court-related legislation and fills a much-needed void in family court process improvements by bringing new ideas, fresh perspectives and solutions for problems to the table and to our elected or public officials.

Your continued support of the convening of a working group to further study family court

custody evaluator standards, including a minimum curriculum, procedures and requirements for appointment, and other recommendations is greatly appreciated.

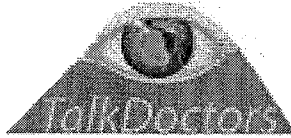
Thank you for the opportunity to submit testimony.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'P. D. Kai Swigart', written in a cursive style.

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

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

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.

**Testimony by:**

**Paul D. Kai Swigart, Ph.D., M.F.T**

**SCR 7 regarding working group for addressing family court child custody evaluator issues  
Senate and House Committees on Human Services  
March 30, 2010; 10:05 a.m.; Room 016  
Position: Support**

Honorable Chairs and Committee Members:

My name is Paul D. Kai Swigart, Ph.D., M.F.T., and I am President of the Hawaii Association for Marriage and Family Therapy (HAMFT), a division of the American Association for Marriage and Family Therapy (AAMFT). HAMFT represents 208 licensed Marriage and Family Therapists (MFTs); and a total of 315 members in the State of Hawaii. MFTs work in a variety of agencies and settings within our state including, but not limited to: the Department of Education in the Individuals with Disabilities Education Act; the Department of Health; active duty military and their families; U.S. Department of Transportation; rural areas; families and communities; hospital and clinic systems; substance abuse treatment centers; and mental health practices.

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Paul D. Kai Swigart, Ph.D., M.F.T., C.E.A.P., S.A.P., C.A.I.,  
HAMFT President



**ChunOakland3 - Serena**

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**From:** Chris Lethem [crslethem@hotmail.com]  
**Sent:** Tuesday, March 30, 2010 7:08 AM  
**To:** HMS Testimony  
**Subject:** Testimony in STRONG SUPPORT of SCR7 custody evaluator working group

To: Senator Suzanne Chun Oakland, Chair  
Senator Les Ihara, Jr., Vice Chair  
Committee on Human Services

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

From: Chris Lethem

Subj: Testimony in **STRONG SUPPORT** of SCR7 custody evaluator working group

Hearing: Tuesday, March 30, 2010; 10:05 a.m.; Room 016, State Capitol

As a father my ex-wife took my children overseas under false pretenses and spent nearly two years working to get my children back to the U.S. only to be falsely accused of domestic violence as a means to gain a tactical advantage just prior to a custody trial. The personal cost to successfully defend myself against these allegations has now taken **over five years** of my life, caused my children to suffer, hurt my reputation, cost me incredible sums of money. It also means I've lost precious time with my children I can never get back. My case exemplifies the need to reform the processes the family court implements to more effectively address allegations of domestic violence and custody. In addition, custody evaluation standards must be established and maintained. Cases with conflict, no matter who is causing the conflict, typically require a custody evaluation. A more accurate and effective custody evaluation could have mitigated the false allegations and created some accountability.

For that reason, continuing the working group, to work on custody evaluator issues, is necessary. Beginning with education and training curriculums is the first step. I am encouraged by the interest shown by the University of Hawaii departments to

create a custody subspecialty in their respective fields. This motivation by professionals and the community, to improve a vital family court area, should be encouraged and furthered by passing this concurrent resolution.

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## ChunOakland3 - Serena

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**From:** Tom Marzec [adamtm@lava.net]  
**Sent:** Tuesday, March 30, 2010 5:27 AM  
**To:** HMS Testimony  
**Subject:** Testimony in STRONG SUPPORT of SCR7 Custody Evaluator Working Group

March 30, 2010

To: Senator Suzanne Chun Oakland, Chair  
Senator Les Ihara, Jr., Vice Chair  
Committee on Human Services  
Via email to: [HMSTestimony@Capitol.hawaii.gov](mailto:HMSTestimony@Capitol.hawaii.gov)

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

From: Tom Marzec

Subj: Testimony in **STRONG SUPPORT** of **SCR7** Custody Evaluator Working Group

Hearing: Tuesday, March 30, 2010; 10:05 a.m.; Room 016, State Capitol

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The group's members include a broad and balanced cross-section of the community, from grassroots public citizens and academic institutions to government and non-profit agencies. Continuing these efforts is essential, as this group has successfully collaborated on family court-related legislation. This group fills a much-needed void in family court process improvements by bringing new ideas, fresh perspectives and solutions for problems to the table and to our elected or public officials. This collaboration, among varied special interests, provides for fair representation of the many issues and the discussions result in a balancing of the various interests -- which is the precursor to legislating sound public policy.

Because there is still unfinished work relating to child custody issues, continuing the working group is necessary. Additionally, because this work will entail exploring education, training and curriculum development for child custody evaluators, additional organizations have expressed an interest in participating and have been added to the group per this measure.

One minor amendment is required to correct language. On page 3, lines 28-29 change:  
"professionals who are and can provide child custody evaluation reports to assist the court; now therefore,"

to:  
"professionals who have child custody evaluation-related expertise or can provide child custody evaluation reports to assist the court; now therefore,"

Your continuing support of such initiatives, and this working group, is very appreciated!  
Thank you for the opportunity to testify.