

Honolulu, Hawaii

April 28, 2011

RE: H.B. No. 616
H.D. 2
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 616, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHILD CUSTODY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to, among other things:

- (1) Clarify that awards of visitation rights to parents may include visitation by electronic communication;
- (2) Establish factors that the court shall consider in awarding visitation by electronic communication; and
- (3) Authorize courts to set guidelines for visitation by electronic communication, including supervision as ordered by the court.



Your Committee on Conference has amended this bill by, among other things:

- (1) Generally incorporating its provisions in section 571-46, Hawaii Revised Statutes, relating to the criteria and procedure in awarding custody and visitation and the best interest of the child;
- (2) Requiring the court in its determination to award visitation by electronic communication to consider:
 - (A) The potential for abuse or misuse of the electronic communication; and
 - (B) Whether adequate provision can be made for the physical safety and psychological well-being of the child and for the safety of the custodial parent;
- (3) Prohibiting visitation by electronic communication to replace or substitute an award of custody or physical visitation except where physical visitation may subject the child to physical or extreme psychological harm, among other exceptions;
- (4) Changing its effective date to July 1, 2011; and
- (5) Making technical, nonsubstantive amendments for consistency, clarity, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 616, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 616, H.D. 2, S.D. 2, C.D. 1.



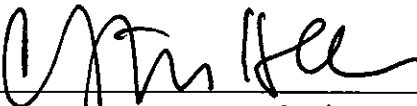
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

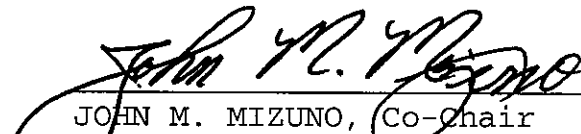
ON THE PART OF THE HOUSE



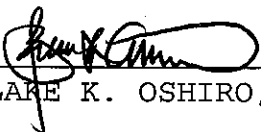
SUZANNE CHUN OAKLAND, Chair



CLAYTON HEE, Co-Chair



JOHN M. MIZUNO, Co-Chair



BLAKE K. OSHIRO, Co-Chair



