

Honolulu, Hawaii

FEB 16 2011

RE: S.B. No. 944
S.D. 1

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

Sir:

Your Committee on Human Services, to which was referred S.B. No. 944 entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose of this measure is to replace the term "visitation" with the term "parenting time" only within those sections that pertain to child custody, care, and maintenance between children and their parents, and to add the term "parenting time" to those sections that reference the term "visitation" and pertain to child custody, care, and maintenance between children and any other appropriate parties. The intent of this measure is to encourage a more positive approach to parenting situations where a child does not live with both parents.

Your Committee received testimony in support of this measure from the Family Law Section of the Hawaii State Bar Association, Hawai'i Coalition for Dads, and three individuals. Your Committee received testimony in opposition to this measure from the Department of Human Services, AngelGroup, and three individuals.

Your Committee finds that children benefit from positive relationships with their parents, and it is widely recognized that children are more likely to thrive with support, guidance, and nurturing from both parents.

Your Committee further finds that the term "visitation" has developed a negative connotation in divorce, paternity, and



custody actions. Substituting "parenting time" in place of "visitation" will remove the negative stigma associated with being the non-custodial parent in divorce, paternity, and custody proceedings, and will facilitate settlements that are in the best interests of the children involved.

Your Committee has heard the concerns regarding changing the definition of "visitation" in chapter 587A, Hawaii Revised Statutes, the Child Protective Act, which could result in this chapter becoming inconsistent with federal Title IV-E requirements. Your Committee notes that inconsistencies between federal and state law could affect federal funding.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the amendment to:
 - (A) Section 587A-15, Hawaii Revised Statutes, relating to duties, rights, and liability of authorized agencies;
 - (B) Section 587A-26, Hawaii Revised Statutes, relating to temporary foster custody hearings;
 - (C) Section 587A-28, Hawaii Revised Statutes, relating to return hearings; and
 - (D) Section 587A-30, Hawaii Revised Statutes, relating to periodic review hearings; and
- (2) Making conforming amendments to accurately reflect the purpose of the amended measure;

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 944, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 944, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Human Services,

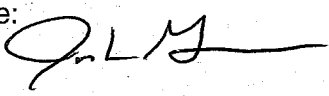
Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* SB 944	Committee Referral: HMS, JOL	Date: 2/11/11		
<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	✓			
SLOM, Sam	✓			
TOTAL	3	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes