

HB616,HD2

Measure
Title:

RELATING TO CHILD CUSTODY.

Report
Title:

Child Custody and Visitation; Electronic
Communication

Description:

Clarifies that awards of visitation rights may include visitation by electronic communication. Establishes factors that shall be considered and authorizes courts to set guidelines for visitation by electronic communication. Effective July 1, 2050. (HB616 HD2)

Companion:

Package:

None

Current
Referral:

HMS, JDL

Introducer(s):

EVANS

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**TESTIMONY OF THE FAMILY LAW SECTION, HAWAII STATE
BAR ASSOCIATION, IN OPPOSITION TO HOUSE BILL NO. 616,
HD2, RELATING TO CHILD VISITATION**

Committee on Human Services
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Conference Room 016, State Capitol
March 17, 2011, 1:45 p.m.

Good morning Senators:

My name is Steven L. Hartley and I am the Vice Chair/Chair Elect of the Family Law Section of the Hawaii State Bar Association. I submit this written testimony on behalf of the Family Law Section.

The Family Law Section is comprised of over one hundred attorneys who practice law in the Family Court. The majority of us handle all types of family law matters, including divorce, paternity, domestic violence and guardianship cases. As a Section, our testimony represents the views of our members.

In this regard, we oppose HB 616, HD2, because the Family Court already has the authority to order visitation by electronic communication and does so on a regular and consistent basis, including by all of the electronic means of communication addressed in the bill. Accordingly, this bill is not necessary and will divert much needed time and resources that could be better used elsewhere within the Family Court system.

Thank you for allowing us to submit our written testimony.

To: Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
COMMITTEE ON HUMAN SERVICES
From: Melinda Franklin (formerly Chee)
Hearing: Thursday, March 17, 2011 1:45 p.m. Conference Room 016 State Capitol

Subj: Testimony in Strong Support of HB 616, HD2 RELATING TO CHILD CUSTODY.
Clarifies that awards of visitation rights may include visitation by electronic communication.

As a family court customer for over a decade, I **Strongly Support HB 616, HD2**

Electronic communication affords a life line between parent and children.

In the Hawaii Family Court, high-conflict cases are profitable for the daisy chain of Family Court *Players*: judges, family law attorneys, therapists, guardian ad litem and custody evaluators. By blocking contact between families, they raise the stakes. A parent denied contact is forced to pay for visitation and purchase parenting time from greedy court *Players* (*a moniker supplied by Marvin Acklin, PhD, a self-promoting family law therapist*).

Visitation rights have long been abused and neglected by the Hawaii Family Court. In my own case, custody was changed without a hearing and a "Temporary" Restraining Order was perpetuated for 7 years because Family Court Judge Mark Browning continually postponed hearings. My ex-husband, Kevin Chee, a Honolulu attorney, was represented by his cousin, Darwin Ching, a court insider. During this time, my ex-husband continually told our children: "*Your mother can see you anytime, she just doesn't want to*". Can you imagine the devastation of those words to a child? If electronic communication were allowed, my children could have been reassured their mother does indeed love them very much!

I had to pay hundreds of dollars to a court bailiff named Angela to buy a supervised 2 hour visit with my daughter. Electronic contact would have taken a *Player* out of the food chain.

It took me 10 years, as a pro se party, to overturn the unconstitutional ex parte change of custody and TRO in the Intermediate Court of Appeals (Case No. 28843, June 19, 2009). For my children and me, the process was financially devastating, and nightmarish. There are many cases similar to mine in the Family Court, where due process is denied, parental rights are decimated, children are consequently abused. The Family court refers to abused litigants as disgruntled, in an attempt to cover up their Star Chamber Proceedings¹.

Please support HB 616, HD2 and allow visitation by electronic communication.

1Star Chamber Proceedings: any judicial or quasi-judicial action, trial, or hearing which so grossly violates standards of "due process" that a party appearing in the proceedings (hearing or trial) is denied a fair hearing.

ChunOakland2 - Tyrell

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 15, 2011 11:38 AM
To: HMS Testimony
Cc: legal@maui.net
Subject: Testimony for HB616 on 3/17/2011 1:45:00 PM

Testimony for HMS 3/17/2011 1:45:00 PM HB616

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Katharine Ah Loy
Organization: Individual
Address:
Phone:
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Submitted on: 3/15/2011

Comments: