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**TESTIMONY OF THE FAMILY LAW SECTION, HAWAII STATE
BAR ASSOCIATION, IN SUPPORT OF SENATE BILL NO. 944,
RELATING TO CHILDREN**

Committee on Human Services
Senator Susan Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Conference Room 016, State Capitol
February 10, 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 support SB 944 for the following reasons:

1. The term *visitation* has developed a negative connotation in custody related matters.
2. Substituting the term, *parenting time* in place of *visitation* in the Hawaii Revised Statutes will remove the negative stigma associated with being the non-custodial parent in a custody matter and thereby facilitate settlements that are in the best interests of the children involved.

Thank you for allowing us to present our testimony.

ChunOakland2 - Tyrell

From: Greg Farstrup [hawaiiidads@gmail.com]
Sent: Monday, February 07, 2011 10:51 AM
To: HMS Testimony
Subject: Support SB 944 - Substitutes "parenting time" for the term "visitation" in the Hawaii Revised Statutes.

Categories: Red Category

Testimony for:

COMMITTEE ON HUMAN SERVICES

Senator Suzanne Chun Oakland, Chair

Senator Les Ihara, Jr., Vice Chair

DATE: Thursday, February 10, 2011
TIME: 1:45 p.m.
PLACE: Conference Room 016

State Capitol

Relating to Bill SB 944: RELATING TO CHILDREN.

Substitutes "parenting time" wherever the term "visitation" appears in the Hawaii Revised Statutes, but only within the sections that pertain directly to relationships between children and their parents. Adds the term "parenting time" to sections that reference "visitation" between children and other parties. Does not apply to the Uniform Child-Custody Jurisdiction and Enforcement Act, chapter 583A, Hawaii Revised Statutes.

FROM: Greg Farstrup, Volunteer, on behalf of the Hawai'i Coalition for Dads

The Hawai'i Coalition for Dads SUPPORTS the passage of SB 944.

We agree with section 1 of the bill, which states 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. In divorce, paternity, or custody actions, the term "visitation" is used throughout the Hawaii Revised Statutes. Rather than promoting meaningful and involved parenting, the term "visitation" limits parents to fill temporary and limited roles. Hawaii's children are better served by referring to and promoting "parenting time" rather than "visitation". This sets a more positive and optimistic approach to parenting situations where the child does not live with both parents."

The Hawai'i Coalition for Dads urges the Senate Committee on Human Services to PASS SB 944.

Thank you.

ChunOakland2 - Tyrell

From: Geckogroup@cs.com
Sent: Monday, February 07, 2011 11:47 AM
To: HMS Testimony
Subject: SB944 Substituting "Parenting Time" for "Visitation"
Categories: Red Category

Dear Honorable Committee Members:

I am very much in favor of changing the word "Visitation" to "Parenting Time." As a family therapist, I have witnessed and discussed visitation issues with parents who have divorced and/or lost custody of their children. To have the adult understand that the visitation is an opportunity to parent or re-establish an appropriate parental relationship with the child is critical to the family's functioning. Thank you for establishing the context of contact with the child.

Ann S. Yabusaki, Ph.D., MFT
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Testimony via email to: HMSTestimony@Capitol.hawaii.gov

THE SENATE

THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2011
COMMITTEE ON HUMAN SERVICES

Senator Suzanne Chun Oakland, Chair

Senator Les Ihara, Jr., Vice Chair

AMENDED NOTICE OF HEARING

DATE: Thursday, February 10, 2011

TIME: 1:45 p.m.

PLACE: Conference Room 016, State Capitol, 415 South
Beretania Street

A G E N D A: SB 944 RELATING TO CHILDREN.

Substitutes "parenting time" wherever the term "visitation" appears in the Hawaii Revised Statutes.

Testimony From: Melinda Franklin (formerly Chee)

Subj: TESTIMONY in STRONG SUPPORT OF SB 944 RELATING TO CHILDREN

TESTIMONY: I am a private citizen, by profession a nurse practitioner, and by civic duty a life-long stake-holder in Hawai'i Family Court reform initiatives. I have over a decade of familiarity with the Hawai'i Family Court. After a bitter divorce from my ex-husband, Honolulu attorney Kevin Chee, custody was established as Joint physical and legal. Our 4 children lived with me on the mainland, and their father had liberal parenting time. In 1999, during the 4th year year of this arrangement, I was blind-sided by a change of custody without a

hearing. Void of due process, custody was changed from Joint to Sole for my ex-husband. This occurred one day before our children were to return to their home on the mainland with me, after spending the summer in Hawai'i. This scheme was compounded by a "Temporary" Restraining Order of 7 years duration, blocking me from all contact with our children. My character and parenting capabilities, were never in question. There was no opportunity for parenting time. Year after year, every time a hearing was scheduled, it was postponed by Judge Browning.

Notably, the Guardian ad Litem (Kimberly Towler, Esq.) was a business partner with my ex-husband's attorney (Everett Cuskaden, Esq.) and his therapist (Craig Robinson, PhD). My ex-husband was a client of the court-appointed child psychiatrist (Sue Lehrke, PhD). While the "Temporary" Restraining Order remained in effect, our children were continually told by their father: *"Your mother can see you anytime, she just doesn't want to"*. This had a devastating effect on our sons and daughters, and was nightmarish for me.

In 2009, I finally reversed custody back to Joint through my winning Appeal (No. 28843) in the Hawai'i Intermediate Court of Appeals. After firing all my attorneys and representing myself, I was finally able to have normalized parenting time, 4 days before our youngest child reached 18 years of age. Thankfully, the judge who issued the change of custody without due process (Judge Allene Suemori) was finally removed from the bench.

I write in Strong support of parenting time. As my case illustrates, custody disputes have become a cottage industry, propelled by opportunities for financial gain. In the Hawai'i Family Court, court authorities have a daisy-chain of

interconnected relationships, inflated by a sense of power, control, and money.

The Hawaii Legislature has an opportunity to defend children, families and the United States Constitution by promoting a positive and optimistic approach to parenting situations where the child does not live with both parents. 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. After divorce, children and their parents will benefit when bonds are preserved. Rather than labeling one parent as a shadowy outcast who may only “visit”, please recognize and uphold bonds between children and their parents.

With Responsible Aloha,
Melinda Franklin (formerly Chee)