
Sent: Monday, March 14, 2011 7:55 AM
To: HUS testimony
Cc: dr.la@aloha.net
Subject: Testimony for SB958 on 3/14/2011 9:00:00 AM

LATE
Testimony

Testimony for HUS 3/14/2011 9:00:00 AM SB958

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Dr. Laurette DeMandel-Schaller, MFT, Ph.D.
Organization: Individual
Address:
Phone:
E-mail: dr.la@aloha.net
Submitted on: 3/14/2011

Comments:

I have worked with Senator Chun Oakland on the family court working group, as a representative of the Hawaii Association of Marriage and Family Therapists (HAMFT), for many years now. My private practice work includes Psychological and Court Services.

I strongly support SB958 SD2. Maintaining a list of custody evaluators is essential to improving custody decisions in contested cases. Family court used to require that custody evaluators submit annual declarations and a list of custody evaluators was maintained. The decreased number of required hearings and improved efficiency resulting from a custody evaluator registry would save court resources.

Dr. Laurette DeMandel-Schaller, MFT, Ph.D.
Court Appointed CE, GAL, Senior Mediator former HAMFT Ethics Committee Chairperson

LATE Testimony

To: Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Committee on Human Services
From: Melinda Franklin (formerly Chee)

Subj: Testimony **IN STRONG SUPPORT of SB958** which establishes a program in the family court for the registration of child custody evaluators.

Hearing: March 14, 2001 9:00am Conference Room 329 State Capitol

As a family court customer for over a decade, I **Strongly Support SB958**, which establishes a program in the family court for the registration of child custody evaluators.

Historically, the Hawaii Family Court lacks sunshine and transparency. Custody evaluations are routinely performed by guardian ad litem (GAL's) and unlicensed social workers. Judges delegate staggering authority to family court unlicensed social workers, like Barbara Shintani, for custody recommendations. The recommendations become judicial orders without giving parties involved in litigation an opportunity to examine and confront the authors of custody reports. This longstanding family court practice happens for the convenience of judges, and reflects indifference to due process¹.

The Family Court system of delegating custody evaluations to GAL's and unlicensed social workers paves a golden pathway to money-making schemes. It permits them to accept bribes from parties to augment their retainers and state employee salaries. There is no due diligence from social workers without a license. Since they are unlicensed, there is no threat to license revocation from a state board which protects consumers. Hence, life-altering decisions affecting families are made without hearings².

In my own case, custody was changed without a hearing. I was blocked from contact with my children for 7 years via a "Temporary" Restraining Order (TRO). Judge Mark Browning continually postponed hearings to perpetuate the TRO, in cooperation with my ex-husband, Kevin Chee, a Honolulu attorney. My ex-husband's counsel (Everett Cuskaden, Esq.) and therapist (Craig Robinson, PhD) were business partners of the guardian ad litem (Kimberly Towler) in a Joint Partnership doing business as "**Mediate Hawaii**". My ex-husband was a client of the custody evaluator, Sue Lehrke, PhD. My case illustrates mechanisms of Hawaii Family Court daisy chain relationships. Similar instances abound. It took me 10 years, as a pro se party, to overturn the ex parte change of custody in the Intermediate Court of Appeals (Case No. 28843, June 19, 2009). For my children and me, the process was financially devastating, and nightmarish.

Registration of child custody evaluators serves a purpose:

1. Demonstrates accountability to the public at large
2. Validates specialty knowledge
3. Permits transparency and improves outcomes.
4. Allows decision making, resulting in life-altering consequences for families, to be open to input regarding investigative methods, diagnostic reasoning, recommendations and potential bias.

Please support, and pass, **SB958** which establishes a program in the family court for the registration of child custody evaluators.

Respectfully submitted,
Melinda Franklin (fka Chee)

¹In the Chee v Chee custody case, the custody guardian ad litem, Kimberly S. Towler, Esq., filed her report of "parental alienation" against plaintiff Melinda Chee, only after plaintiff challenged Towler's competence and massive fees.

²Hawaii divorce law is clear that a party has the right to examine and confront authors of reports in custody cases where those reports are relied on by the court. *Daitoku v Daitoku*, 39 Haw. 276. The purpose of this rule is clearly founded in due process: it ensures a fair hearing with regard to the author's competence and bias. This Hawaii divorce law is casually overlooked by Family Court judges.

Sent: Monday, March 14, 2011 7:50 AM
To: HUS testimony
Cc: crslethem@gmail.com
Subject: Testimony for SB958 on 3/14/2011 9:00:00 AM

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Testimony for HUS 3/14/2011 9:00:00 AM SB958

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Chris Lethem
Organization: Individual
Address:
Phone:
E-mail: crslethem@gmail.com
Submitted on: 3/14/2011

Comments:

I strongly support SB958 SD2, as I have experienced problems with custody evaluations for my children.

This bill was developed by a working group focused on improvements in family court. As a member of that working group, I urge you to pass this bill, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators

- The registry will take about one hour per week to maintain
- The Judiciary was doing this previously
- Information could be made available to parents at the Kids First Program
- Attorneys also would like to have this information available to them
- Would reduce the number of hearing associated with selecting a CGAL to 1 or 2 hearings instead of 3 to 4 hearings

Sent: Monday, March 14, 2011 5:04 AM
To: HUS testimony
Cc: adamtm@lava.net
Subject: Testimony for SB958 on 3/14/2011 9:00:00 AM

LATE
Testimony

Testimony for HUS 3/14/2011 9:00:00 AM SB958

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Tom Marzec
Organization: Individual
Address:
Phone:
E-mail: adamtm@lava.net
Submitted on: 3/14/2011

Comments:

I strongly support SB958 SD2.

This bill was developed by a working group focused on improvements in family court. As a member of that working group, I urge you to pass this bill, in order to create a registry of child custody evaluators and to begin a process for developing standards of practice and certification for child custody evaluators.

The performance of effective custody evaluations is critical to the courts determination of what is in the best interests of the child. This bill does not establish those standards, but does start laying the groundwork to ensure our child custody evaluators meet the requirements to perform effective evaluations.

ALL custody evaluators should be included in this registry -- including Judiciary social workers. Please do not exclude Judiciary custody evaluators by amending the definition of custody evaluators or by providing an exemption.

Your consideration is very appreciated.

Sent: Monday, March 14, 2011 7:58 AM
To: HUS testimony
Cc: LeslieMason65@yahoo.com
Subject: Testimony for SB958 on 3/14/2011 9:00:00 AM

LATE
Testimony

Testimony for HUS 3/14/2011 9:00:00 AM SB958

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Leslie Mason
Organization: Individual
Address:
Phone:
E-mail: LeslieMason65@yahoo.com
Submitted on: 3/14/2011

Comments:

As a mother who has witnessed the problems with family court custody processes and a Mental Health Professional with a Masters in psychology, I fully support SB958 SD2. Having better and complete information about custody evaluators is an important step forward in helping our children receive the best possible outcomes from family court.

Sent: Monday, March 14, 2011 8:05 AM
To: HUS testimony
Cc: mskathrynrose@yahoo.com
Subject: Testimony for SB958 on 3/14/2011 9:00:00 AM

LATE
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Testimony for HUS 3/14/2011 9:00:00 AM SB958

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Kathy Rose
Organization: Individual
Address:
Phone:
E-mail: mskathrynrose@yahoo.com
Submitted on: 3/14/2011

Comments:

I am involved in family court custody issues, have used a custody evaluator, and strongly support this bill. Having this custody evaluator registry information available to parents, passed out at Kids First, will minimize adversarial hearings to pick and use custody evaluators.