

Honolulu, Hawaii

March 17, 2011

RE: S.B. No. 958
S.D. 2
H.D. 1

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

Sir:

Your Committee on Human Services, to which was referred S.B. No. 958, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURT,"

begs leave to report as follows:

The purpose of this bill is to assist the family court in making informed decisions in child custody cases by:

- (1) Requiring the Board of Family Court Judges (Board) to establish, maintain, and update a registry of child custody evaluators or experts;
- (2) Limiting the appointment of child custody evaluators or expert testifiers to those evaluators and experts who are in the child custody evaluator registry;
- (3) Requiring child custody evaluators to have a current child custody evaluator annual declaration on file with the court prior to appointment;
- (4) Allowing the Board to establish a child custody evaluator certification program; and
- (5) Requiring the Board to establish standards for child custody evaluators to apply in recommending an award of custody of a child.



Several concerned individuals testified in support of this bill. The Judiciary provided comments.

Your Committee acknowledges that testimony submitted by the Judiciary points out that there must be some discretion to appoint an expert not listed on the child custody evaluator registry. Nationally renowned experts may be excluded from testifying simply because they are not listed on the registry. The Judiciary also states that since private custody evaluators are paid for by the parties and not the State, the court should have the discretion to appoint a professional agreed upon by the parties.

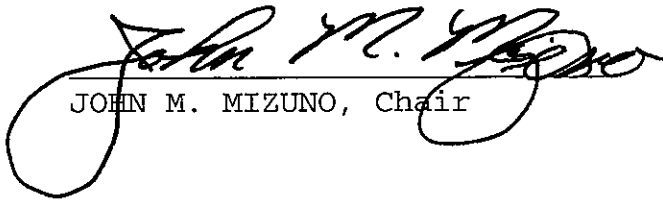
Moreover, considering that only a small number of available professionals on the neighbor islands have conducted custody evaluations in the past, parties on the neighbor islands may need to select custody evaluators on Oahu, which could result in higher litigation costs. The Judiciary also suggests that court staff who conduct custody evaluations should be exempt from this bill.

Your Committee has amended this bill by:

- (1) Changing its effective date to July 1, 2075, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 958, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 958, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

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


JOHN M. MIZUNO, Chair



