

Honolulu, Hawaii

APR 05 2013

RE: H.B. No. 1137
H.D. 1
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 1137, H.D. 1, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to clarify the qualifications for court-appointed child custody evaluators and enhance protections for parties who are affected by an evaluator's determinations.

Specifically, this measure:

- (1) Specifies the types of licensed individuals who may serve as court-appointed child custody evaluators and sets forth the circumstances under which unlicensed individuals may be appointed; and
- (2) Requires the Judiciary to:
 - (A) Maintain a publicly accessible registry of qualified child custody evaluators;
 - (B) Establish a process to refer complaints regarding court-appointed child custody evaluators to the appropriate licensing authority, where applicable; and



- (C) Report annually to the Legislature regarding the number of complaints processed through the referral process.

Your Committee received written comments in support of this measure from eleven individuals.

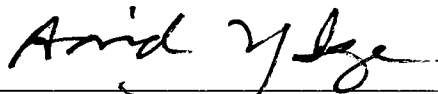
Your Committee finds that section 571-46, Hawaii Revised Statutes, requires family courts to define the qualifications and standards of practice for court-appointed child custody evaluators. This measure clarifies who may be appointed as a child custody evaluator by specifying the qualifications for court-appointed child custody evaluators. In addition, this measure increases protections for the parties to a child custody proceeding by requiring the Judiciary to maintain a public registry of qualified evaluators and establish a referral process for complaints against evaluators.

Your Committee has amended this measure by:

- (1) Specifying that the publicly accessible registry of child custody evaluators is to be maintained on the Judiciary's website;
- (2) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (3) Making technical nonsubstantive amendments for clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1137, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1137, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB1137, HD1, SD1	Committee Referral: HMS/JDL, WAM	Date: 3-27-13		
<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
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani				✓
ESPERO, Will	✓			
KAHELE, Gilbert	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.				✓
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
TOKUDA, Jill N.	✓			
SLOM, Sam	✓			
TOTAL	11	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes