

Honolulu, Hawaii

FEB 15 2022

RE: S.B. No. 2397
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2397 entitled:

"A BILL FOR AN ACT RELATING TO CHILD CUSTODY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require certain individuals attempting to serve as child custody evaluators to complete a training course on domestic violence issues every three years; and
- (2) Require the Family Court to approve training courses and publish approved courses on the Judiciary website.

Your Committee received testimony in support of this measure from the Domestic Violence Action Center, AAUW of Hawaii, Hawaii State Democratic Women's Caucus, Hawai'i Children's Action Network Speaks!, Early Childhood Action Strategy, Hawai'i State Coalition Against Domestic Violence, Parents and Children Together, Hawaii Family Advocacy Team, and three individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that the Family Court may appoint a child custody evaluator from a list of qualified individuals to investigate a child custody dispute. Your Committee further finds that professionals who work before the Family Court and who have



an impact on the safety and well-being of children and families need to understand the dynamics of domestic violence. When child custody evaluators do not have in-depth training and education on domestic violence, their recommendations to the courts on custody matters may be unduly affected and may not serve the best interests of children. Accordingly, knowledge about domestic violence issues, including lethality, subtlety, and prevalence of domestic violence, is essential for child custody evaluators. This measure will ensure that child custody evaluators receive proper training in domestic violence so that children are placed in a healthy and safe environments.

Your Committee has amended this measure by:

- (1) Clarifying that beginning July 1, 2023, a child custody evaluator must complete a training course on domestic violence every three years;
- (2) Specifying that the training course must be one approved for professional credit by the evaluator's or fact-finding investigator's professional accreditation body or as recommended by any state domestic violence services provider on their respective websites;
- (3) Specifying that the child custody evaluator must submit a letter or certificate of completion to the Family Court and shall provide a copy to parties or their attorneys upon request;
- (4) Specifying that all persons on the Family Court's registry as of July 1, 2023, must provide proof of completion of training on or before June 1, 2025;
- (5) Inserting an effective date of July 30, 2025, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2397, as amended herein, and recommends that it pass Second



Reading in the form attached hereto as S.B. No. 2397, S.D. 1, and
be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

**Record of Votes
Committee on Judiciary
JDC**

Bill / Resolution No.:* SB 2397	Committee Referral: JDC, WAM	Date: 02-08-22		
<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
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	7	-	-	-
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</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