



*The Judiciary, State of Hawai‘i*

**Testimony to the Thirty-First Legislature  
2022 Regular Session**

**House Committee on Judiciary & Hawaiian Affairs**

Rep. Mark M. Nakashima, Chair  
Rep. Scot Z. Matayoshi, Vice Chair

Thursday, March 22, 2022 at 2:00 p.m.  
VIA VIDEOCONFERENCE  
State Capitol, Conference Room 325

**WRITTEN TESTIMONY ONLY**

by  
Matthew J. Viola  
Senior Judge, Deputy Chief Judge  
Family Court of the First Circuit

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**Bill No. and Title:** Senate Bill No. 2397, S.D. 2, H.D.1, Relating to Child Custody.

**Purpose:** Requires certain individuals attempting to serve as child custody evaluators to complete a training course on domestic violence issues every three years. Requires that the training course be one that is developed and facilitated by a nationally accredited domestic violence program based in Hawai‘i. Requires individuals to submit a letter or certificate of completion to the Family Court. Effective 7/1/2060. (HD1)

**Judiciary's Position:** The Judiciary takes no position on Senate Bill 2397, S.D. 2, H.D. 1.

In our previous testimony to the House Committee on Health, Human Services, and Homelessness, we noted a concern that S.D. 2 included a specific entity to develop the training program. This would have placed the Judiciary in violation of the state procurement laws. H.D. 1 remedied that by requiring that: “The training course shall be one that is developed and facilitated by a nationally accredited domestic violence program based in Hawai‘i.”



Senate Bill No. 2397, S.D. 2, H.D.1 Relating to Child Custody  
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The family court is concerned with the use of the phrase “nationally accredited.” Commonly, this refers to institutions of learning. There are national programs that “certify” domestic violence specialists and advocates and some of these programs include developing training/educational programs. However, it would be difficult for the family court to apply the bill if enacted with this language. We suggest a simple change by deleting the words “nationally accredited” as follows:

Page 4, lines 12-14, of H.D. 1:

“The training course shall be one that is developed and facilitated by a ~~nationally accredited~~ domestic violence program based in Hawaii.”

We also reiterate our request that the appropriation of \$35,000 will not supplant any existing funding or budget requests of the Judiciary.

Thank you for the opportunity to testify in this matter.



HAWAI'I STATE  
COALITION AGAINST  
DOMESTIC VIOLENCE

March 22, 2022

Members of the House Committee on Judiciary and Hawaiian Affairs:

Chair Mark M. Nakashima	Rep. Angus L.K. McKelvey
Vice Chair Scot Z. Matayoshi	Rep. Nadine K. Nakamura
Rep. Linda Ichiyama	Rep. Roy M. Takumi
Rep. Dale T. Kobayashi	Rep. Chris Todd
Rep. Matthew S. LoPresti	Rep. James Kunane Tokioka
Rep. Nicole E. Lowen	Rep. Gene Ward

Re: SB22397 SD2 HD1 Relating to Civil Child Custody

Dear Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary and Hawaiian Affairs:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) advances the safety and healing of victims, survivors and their families. We are the collective voice of a diverse network of organizations and individuals, working to eliminate all forms of domestic violence in Hawai'i by fostering partnership, increasing awareness of domestic violence, developing the capacity our member programs and community partners to address the needs of survivors and their families, and advocating for social justice and change.

On behalf of HSCADV and our 26 member programs statewide, we are in **strong support SB2397 SD2 HD1 and respectfully offer the following an amendment**. There is no national accreditation of domestic violence programs, nor is there an accreditation or certification process in the state of Hawaii for programs. Therefore, we recommend the following change:

Page 4, line 13 remove "nationally accredited".

We recognize that the lack of domestic violence training for custody evaluators and fact finders too often results in inconsistent outcomes for parents and children exposed to violence. This bill requires custody evaluators and fact finders to be trained in the dynamics of domestic violence so that their recommendations to the courts on custody matters serve the best interest of children.

Thank you for the opportunity to testify on this important matter.

Sincerely,  
Angelina Mercado, Executive Director





TO: Representative Mark Nakashima, Chair  
Representative Scot Matayoshi, Vice Chair  
Members of the Committee  
FR: Nanci Kreidman, M.A.  
Chief Executive Officer  
RE: S.B. 2397, SD2 HD 1 Relating to Child Custody

Aloha, and thank you for hearing this Bill. At the Domestic Violence Action Center our attorneys are working with island families relying on the Family Court system to offer resolution, remedy and protection on various calendars.

In a substantial number of cases, custody is an issue of great contention. Abusers will use the fight over custody to further torment their partner, and children are left as victims, again, in a new way. When community professionals are called upon to intervene, engage, support, and consider best interests/best outcomes, they must be equipped and they must be trained to understand what they are looking at, hearing, and deliberating.

This Bill makes it a requirement for custody evaluators to participate in training. This makes infinite sense. Without it, they are likely to make unfortunate or worse, dangerous recommendations and fail at the role they are playing.

There is no national accreditation of domestic violence programs, nor is there an accreditation or certification process in the state of Hawaii for programs. Therefore, we recommend the following change:

Page 4 line 13 remove "nationally accredited".

Thank you for giving this your greatest consideration. We shall look for favorable action.



COMMITTEE: House Committee on Judiciary and Hawaiian Affairs  
DATE: Tuesday, March 22, 2022  
TIME: 2:00 p.m.  
PLACE: Room 325 and Via Videoconference

TO: Rep. Mark Nakashima, Chair  
Rep. Scot Matayoshi, Vice Chair  
And members of the House Committee on Judiciary and Hawaiian Affairs

RE: SB 2397 SD2 HD1 Relating to Child Custody

The Hawaii State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls. The Women's Caucus SUPPORTS SB 2397 SD2 HD1 Relating to Child Custody.

The purpose of this bill is to require certain individuals who wish to serve as child custody evaluators to complete a training course on domestic violence issues every 3 years. It also requires that the training course be one that is developed and facilitated by a nationally accredited domestic violence program based in Hawaii and requires individuals to submit a letter or certificate of completion to the Family Court.

We know that child custody cases can often be contentious especially in domestic violence cases. The Family Court depends heavily on child custody evaluations from child custody evaluators and Best Interest Fact Finders to determine the safety and wellbeing of the children and families involved. It is important for evaluators and fact finders to be trained in the dynamics of domestic violence, its lethality, subtleties, and prevalence so the court can make appropriate recommendations.

We urge your favorable consideration of this measure.  
Thank you for the opportunity to testify.

*Members of Hawaii State Democratic Women's Caucus*



**TO:** Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary and Hawaiian Affairs

**FROM:** Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

**DATE/LOCATION:** March 22, 2022; 2:00 p.m., Conference Room 325/Video Conference

**RE: TESTIMONY IN SUPPORT OF SB 2397 SD 2 HD 1 WITH ADDITIONAL COMMENTS – RELATING TO CHILD CUSTODY**

**We support SB 2397 which requires certain individuals attempting to serve as child custody evaluators to complete a training course on domestic violence issues every three years, requires that the training course be one that is developed and facilitated by a nationally accredited domestic violence program based in Hawaii, and requires individuals to submit a letter or certificate of completion to the Family Court.**

As a provider of domestic violence prevention and intervention services, we highly encourage approved training for professionals tasked to support families and children. Child custody is often a contentious issue in court cases surrounding domestic abuse. Abusers will use the fight over custody to further torment their partners and children who are caught in the middle suffer even further. When community professionals are called upon to intervene, engage, support, and consider best interests/best outcomes, they must be equipped and they must be trained to understand what they are looking at, hearing, and deliberating. We support training courses on domestic violence issues to support professionals in their efforts to serve the best interest of our keiki.

We would also encourage the support of family visitation centers as a critical component for the safety and support of the child and the adult victim/survivor of domestic violence as they navigate difficult and dangerous transitions that often arise from contentious court cases between adult caregivers dealing with issues of domestic violence. The end of a relationship in a domestic violence situation can further escalate the offender's emotional, physical, and psychological abuse and can result in stalking, continuous threats, harassment, and even violence with a result of death. Family Visitation Centers provide safe environments wherein children are provided supervised visitation by trained monitors. Family visitation centers and supervised visits decrease

the incidents of further harm to the child(ren) and victim/survivors of domestic violence in that they ensure that the dynamics of domestic violence and power and control behaviors are not played out in the visits between the offender/parent who has harmed and the child(ren). Additionally, visitation centers and supervised visits also mitigate the incidents of violence toward the victim of domestic violence which can often occur between separated partners by providing supervised opportunities for unsafe parents to have contact and foster relationships with their children.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to un-resourced families. Assisting more than 17,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 20 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, poverty prevention and community strengthening programs.

Thank you for the opportunity to testify regarding **SB 2397**, please contact me at (808) 847-3285 or [rkusumoto@pacthawaii.org](mailto:rkusumoto@pacthawaii.org) if you have any questions.



**SB-2397-HD-1**

Submitted on: 3/18/2022 3:24:16 PM

Testimony for JHA on 3/22/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support

**SB-2397-HD-1**

Submitted on: 3/19/2022 12:58:12 PM

Testimony for JHA on 3/22/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Azuma Chrupaluk	Individual	Support	Written Testimony Only

Comments:

Individuals in this position would be best suitable if they are also from Hawai'i and are compatible with the cultures that are present here in Hawai'i. The well-educated American counterparts are from a different culture that consistently dominates the culture of this land, which is a major cause of a lot of problems in Hawai'i. The culture of thought is different, therefore workers in this field would best serve the people if they are from here, and have firsthand experience. The second problem with people in this position is that they are often only equipped with textbook knowledge which does not suffice or compare to the wisdom of experience.