



*The Judiciary, State of Hawai‘i*

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

**Senate Committee on Ways and Means**  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Tuesday, February 22, 2022 at 10:00 a.m.  
State Capitol, Conference Room 211 & Videoconference

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

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 2397, S.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 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. Requires individuals to submit a letter or certificate of completion to the Family Court. Takes effect 7/30/2075. (SD1)

**Judiciary's Position:**

The Judiciary takes no position on SB 2397, SD 1. We wish to express our support of the Committee on Judiciary's amendments in SD 1 (*see*, SCR #2314) that are based on the Judiciary's written testimony to that committee, dated February 8, 2022.

The original bill envisioned a training mandate that required the Judiciary to first approve the domestic violence training courses. We noted our lack of expertise for such an important



Senate Bill No. 2397, S.D. 1, Relating to Child Custody  
Senate Committee on Ways and Means  
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task and we offered to the committee what we believed to be a more workable and reliable plan. Here is our previous testimony in relevant part:

The family court cannot approve training courses because we have neither the ability nor the expertise in training curriculum development to provide or find and then meaningfully “approve” said courses. Consequently, we could not publish a list of “approved training courses.” Please note that a general internet search for “domestic violence training courses” produces millions of results covering a myriad of professions.

The custody evaluators and fact-finding investigators all come from professions that mandate and/or provide continuing education. The intent of this bill can be fulfilled by recognizing and relying on what is customary for professionals. It is not possible or necessary for the family court to find and identify all relevant courses and then decide whether or not to approve them. It is not necessary for the family court to assume this responsibility because mechanisms already exist for each profession. Similarly, the requirement of a letter or certificate of completion is the more customary way of proving compliance.

We believe that the suggested language will much better fulfill the intent of this bill. We hope that the Committee will positively receive the proffered suggestions.

The Judiciary is very appreciative that the Committee on Judiciary incorporated our suggested amendments to this bill, and we respectfully ask that the Committee on Ways and Means similarly support SD 1.

Thank you for the opportunity to testify in this matter.

Date: February 17th, 2022

To: Senate Committee on Ways and Means  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

From: Early Childhood Action Strategy

Re: Testimony in Support of SB2397– Relating to Child Custody

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Aloha and thank you for hearing this Bill. Early Childhood Action Strategy (ECAS) is a statewide cross-sector collaborative designed to improve the system of care for Hawai'i's youngest children and their families. ECAS partners work to align priorities for children prenatal to age eight, streamline services, maximize resources, and improve programs to support our youngest keiki.

**ECAS supports SB 2397**, requiring certain individuals attempting to serve as child custody evaluators to complete a training course on domestic violence every three years. SB 2397 requires the Family Court to approve training courses and publish approved courses on the Judiciary website.

Family violence undermines the health and wellbeing of everyone in the home. Preventing violence in families is a key to healthy early childhood development. When community professionals are called upon to intervene, engage, support, and consider best interests/best outcomes for keiki, they must be trained on family violence, so that they can provide informed decision making on child custody cases.

Children have the greatest chance to develop to their full capacity when they live in safe, secure and nurturing homes. Young children who endure abuse and neglect and are exposed to intimate partner violence experience emotional, mental, and social damage that can affect their development, school readiness and longer-term school success.

Custody challenges are difficult enough for our keiki. We want to make sure that we are doing everything we can to ensure they are placed in safe and nurturing homes. Required training will contribute to strengthening the quality of our system.

Mahalo for your continued support to improve the health, safety and learning of our youngest keiki's. We appreciate you supporting **SB 2397**.



TO: Senator Donovan Dela Cruz, Chair  
Senator Gilbert Keith-Agaran, Vice Chair  
Members of the Committee  
FR: Nanci Kreidman, M.A.  
Chief Executive Officer  
RE: S.B. 2397, SD1 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.

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



HAWAI'I STATE  
COALITION AGAINST  
DOMESTIC VIOLENCE

February 22, 2022

Members of the Senate Committee on Ways and Means:

Chair Donovan M. Dela Cruz  
Vice Chair Gilbert S.C. Keith-Agaran  
Sen. Lorraine R. Inouye  
Sen. Dru Mamo Kanuha  
Sen. Michelle N. Kidani  
Sen. Bennette E. Misalucha

Sen. Sharon Y. Moriwaki  
Sen. Maile S.L. Shimabukuro  
Sen. Brian T. Taniguchi  
Sen. Glenn Wakai  
Sen. Kurt Fevella

Re: SB2397 SD1 Relating to Child Custody

Dear Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Senate Committee on Ways and Means:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) advances the safety and healing of victims, survivors and their families. We are a 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 support SB2397 SD1. 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. One of HSCADV's primary purpose is to develop the capacity of domestic violence agencies and systems partners through training and technical assistance. In our preliminary research into available training for custody evaluators, we found that the [Association of Family and Conciliation Courts](#) (AFCC) includes intimate partner violence screening and considerations in [The Fundamentals of Conducting Child Custody Evaluations](#), offered once a year. Meanwhile, the state of California [mandates a lengthy training](#) for custody evaluators. HSCADV would collaborate with the Judiciary and member programs to identify the elements needed to develop the appropriate training for custody evaluators and fact finders in



HAWAI'I STATE  
**COALITION AGAINST  
DOMESTIC VIOLENCE**

Hawai'i and seeks support from the legislature to fund development and implementation of the curriculum.

If this Committee sees appropriate and substantial merit in ensuring the best outcomes for children in households where there is violence, we respectfully suggest that the Committee adopt these proposed amendments:

**Page 2-3, line 18-20; 1-2 Remove:** ...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.

**And replaced with:** developed and facilitated by the Hawaii State Coalition Against Domestic Violence.

**Page 4 lines 14-18 Remove:**...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.

**And replaced with:** developed and facilitated by the Hawaii State Coalition Against Domestic Violence.

**Replace Section 3 with:** There is appropriated out of the general revenues of the State of Hawaii the sum of \$35,000 or so much thereof as may be necessary for the development of the training curriculum in fiscal year 2022—2023 and facilitation of the training curriculum in fiscal years 2023-2024 and 2024-2025.

The sum appropriated shall be expended by the judiciary for the purposes of this Act.

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

Sincerely,

Angelina Mercado  
Executive Director, HSCADV



**LATE**

TO: Senator Donovan Dela Cruz, Chair  
Senator Gilbert Keith-Agaran, Vice Chair  
Members of the Committee  
FR: Kyle Shelly  
Director and Individual  
RE: S.B. 2397, SD1 Relating to Child Custody

Dear Members of the Committee,

Thank you for the opportunity to submit testimony. I am writing in **STRONG SUPPORT** of S.B. 2397, SD1 Relating to Child Custody both as an individual and in my capacity as a Director of DVAC. I believe it serves to improve outcomes for children that are survivors of domestic violence.

I have personally observed and participated in a child custody fact finding investigation and feel that fact finders and/or custody evaluators should be trained in the dynamics of domestic violence as to improve and make appropriate recommendations to the courts. If these individuals are being requested by the courts to opine, intervene, and/or engage in a child custody case, 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 / fact finders to participate in training. Without it, they are vulnerable to making poor recommendations that could impair the courts and lead to dangerous outcomes for the Child.

Thank you for the opportunity to provide testimony on this important matter.

Kyle J. Shelly



Parents And  
Children Together  
BUILDING THE RELATIONSHIPS THAT MATTER MOST

**LATE**

**TO:** Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Senate Committee on Ways and Means

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

**DATE/LOCATION:** February 22, 2022; 10:00 a.m., Conference Room 211/Video Conference

**RE: TESTIMONY IN SUPPORT OF SB 2397 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 3 years, requires that the training course 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, 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 SD 1**, please contact me at (808) 847-3285 or [rkusumoto@pacthawaii.org](mailto:rkusumoto@pacthawaii.org) if you have any questions.

**SB-2397-SD-1**

Submitted on: 2/22/2022 5:33:58 AM

Testimony for WAM on 2/22/2022 10:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ann S Freed	Testifying for AAUW of Hawaii	Support	No

Comments:

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran and Members,

Members of AAUW of Hawaii thank you for this opportunity to testify in strong support of SB2397 that requires child custody evaluators to complete a training course on domestic violence issues every three years.

Untrained and uneven evaluation of domestic violence situations can cause even greater harm to victims and their children. Some form of best-practiced best training seems the common-sense way to go.

Please Pass out of committee,

Mahalo,

Ann S. Freed

Public Policy Committee, AAUW of Hawaii

publicpolicy-hi@aauw.net

**SB-2397-SD-1**

Submitted on: 2/21/2022 9:13:51 AM

Testimony for WAM on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Mara Garcia	Individual	Support	No

Comments:

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.

Thank you for giving this your greatest consideration.

**SB-2397-SD-1**

Submitted on: 2/21/2022 9:53:38 AM

Testimony for WAM on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Suzanne Young	Individual	Support	No

Comments:

As a Past President and long-time Board member of the Domestic Violence Action Center, I support this Bill and encourage you to pass it. Mahalo!

**SB-2397-SD-1**

Submitted on: 2/21/2022 11:26:03 AM

Testimony for WAM on 2/22/2022 10:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Andrew Rosen	Testifying for Domestic Violence Action Center	Support	No

Comments:

As a strong supporter of the Domestic Violence Action Center, I wanted to thank you for your efforts to protect those in need during difficult custody proceedings through this bill.

Fact finders and custody evaluators should be trained in the dynamics of domestic violence. This will only serve to improve the process and ensure the safety of those going through this emotional proceeding.

Sincerely and with Aloha,

Andrew Rosen

**LATE**

**SB-2397-SD-1**

Submitted on: 2/21/2022 1:25:56 PM  
Testimony for WAM on 2/22/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
aimee chung	Individual	Support	No

Comments:

TO: Senator Donovan Dela Cruz, Chair

Senator Gilbert Keith-Agaran, Vice Chair

Members of the Committee

FR: Aimee Chung, MSW, LSW

Licensed Social Worker

University of Hawai‘i at Mānoa, Faculty

Domestic Violence Action Center, Executive Board Member

**RE: S.B. 2397, SD1 Relating to Child Custody**

Aloha, and thank you for hearing this Bill. At the Domestic Violence Action Center skilled and specifically trained attorneys work with Hawai‘i families, in the hopes that the Family Court system will offer resolution, remedy and protection on various calendars. In a substantial number of cases, custody is an issue of great contention. Often, those who have abused their families will use the fight over custody to further control and manipulate their partner and the system, creating new pathways of abuse and victimization for survivors and their children. When community professionals are called upon as custody evaluators to intervene, engage, support, and assess, it is vital that they are thoroughly trained and appropriately equipped, especially when working with families who are experiencing intimate partner violence.

This Bill makes it a requirement for custody evaluators to participate in training on the dynamics of domestic violence. This makes complete sense. Without relevant training, they are likely to make recommendations that are dangerous and traumatic. Thank you for giving this your greatest consideration. We look forward to favorable action.

**SB-2397-SD-1**

Submitted on: 2/21/2022 2:52:08 PM

Testimony for WAM on 2/22/2022 10:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Rex Fujichaku	Individual	Support	No

Comments:

Aloha committee members,

Requiring custody evaluators to participate in domestic violence training makes sense. 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. Training helps achieve this goal. Thank you.

**LATE**

TO: Senator Donovan Dela Cruz, Chair  
Senator Gilbert Keith-Agaran, Vice Chair  
Members of the Committee

FR: Mechthild Ota  
Grandmother

RE: S.B. 2397, SD1 Relating to Child Custody

Dear Members of the Committee,

Thank you for the opportunity to submit testimony.

I am a grandmother, who continues to observe abuse of my grandson, that is in part, perpetuated by individuals who are not appropriately trained or knowledgeable of domestic violence and its extensive and diverse impacts on its survivors. I believe my grandchild would have benefitted if the court appointed Fact Finder as well as the Forensic Psychologist (also acts as a custody evaluator) were informed and trained in the dynamics of Domestic Violence, which this bill seeks to accomplish.

My grandson has been diagnosed with complex PTSD and other disabilities that I believe are a result from severe neglect and abuse by his Father.

Individuals who are appointed by the court, such as Fact Finders and Custody Evaluators, who hold a material influence and power for court decisions must be continuously educated with regard to domestic violence.

Thank you for taking the time to read this. I am in strong support of S.B. 2397, SD1 Relating to Child Custody.

Mahalo,

Mechthild Ota