



*The Judiciary, State of Hawai‘i*

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

**House Committee on Health, Human Services, & Homelessness**

Rep. Ryan I. Yamane, Chair  
Rep. Adrian K. Tam, Vice Chair

Thursday, March 17, 2022 at 9:30 a.m.  
VIA VIDEOCONFERENCE  
State Capitol, Conference Room 329

**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, 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 the Hawaii State Coalition Against Domestic Violence. Requires individuals to submit a letter or certificate of completion to the Family Court. Takes effect 7/30/2075. (SD2)

**Judiciary's Position:**

The Judiciary takes no position on Senate Bill No. 2397, S.D. 2. The family court initially expressed concerns with the original bill that required the Judiciary to first approve the domestic violence training courses offered to the custody evaluators. We noted our lack of expertise in developing and evaluating adult educational curricula.

The Committee on Judiciary's S.D. 1 incorporated some of the recommendations we made in our testimony. The Committee on Ways and Means' S.D. 2 incorporated the offer by



Senate Bill No. 2397, S.D. 2, Relating to Child Custody  
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the Hawai'i State Coalition Against Domestic Violence ("HSCADV") to develop and facilitate the mandated training and appropriated \$35,000 to the Judiciary for the purposes of the bill.

S.D. 2 is problematic. We have no concerns regarding the HSCADV. We greatly appreciate their work on behalf of the community. The problem is that S.D. 2 may place the Judiciary in a position in violation of procurement laws prohibiting an award to a specifically identified entity.

We respectfully request this Committee for an H.D. 1 that basically reverts to S.D. 1. S.D. 1 relies on both training programs announced on Hawai'i domestic violence groups' websites as well as programs offered by the custody evaluators' respective professional groups. No appropriations would be needed. Mandatory training would be required.

Alternatively, if this Committee prefers that the mandatory training be limited to just one program developed by one entity then the Judiciary respectfully recommend deletion of specifically naming the HSCADV. If the Committee chooses this route, the Judiciary's expectation is that the appropriation will not supplant any existing funding or budget requests of the Judiciary. If the Committee chooses this route, the family court will look forward to offering assistance to whatever entity is awarded the funding through the procurement process.

Thank you for the opportunity to testify in this matter.



COMMITTEE: House Committee on Health, Human Services and Homelessness  
DATE: Thursday, March 17, 2022  
TIME: 9:30 a.m.  
PLACE: Room 329 and Via Videoconference

TO: Rep. Ryan Yamane, Chair  
Rep. Adrian Tam, Vice Chair  
And members of the House Committee on Health, Human Services and Homelessness

RE: SB 2397 SD2 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 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 the Hawaii State Coalition Against Domestic Violence 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: Rep. Ryan I. Yamane, Chair  
Rep. Adrian K. Tam, Vice Chair  
Members of the Committee  
FR: Nanci Kreidman, M.A.  
Chief Executive Officer

RE: S.B. 2397 SD 2 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.

In this Bill, there are two sections in contradiction to one another. We call this to your attention for clarification. Does the Judiciary publish an RFP, or is the Hawaii State Coalition designated to undertake the work? See below.

Section 2: The training course shall be one that is developed and facilitated by the Hawaii State Coalition Against Domestic Violence.



Section 3: The sum appropriated shall be expended by the judiciary for the purposes of this Act; provided that the judiciary may contract with a nonprofit organization to develop the course curriculum and facilitate the training process

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.

**DOMESTIC VIOLENCE ACTION CENTER**

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Date: March 15th, 2022

To: Committee on Health, Human Services and Homelessness  
Representative Ryan I. Yamane, Chair  
Representative Adrian K. Tam, Vice Chair

From: Early Childhood Action Strategy

Re: Testimony in Support of SB2397 SD2– 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 SD2**, 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 SD2**.



HAWAII STATE  
COALITION AGAINST  
DOMESTIC VIOLENCE

March 17, 2022

Members of the House Committee on Health, Human Services, & Homelessness:

Chair Ryan I. Yamane  
Vice Chair Adrian K. Tam  
Rep. Cedric Asuega Gates  
Rep. Sharon E. Har  
Rep. Jeanne Kapela  
Rep. Scott Y. Nishimoto  
Rep. Gene Ward

Re: SB2397 SD2 Relating to Child Custody

Dear Chair Yamane, Vice Chair Tam, and Members of the House Committee on Health, Human Services, & Homelessness:

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 support SB2397 SD2 and offer an amendment.** As written, a nonprofit organization cannot be named in the statute and would recommend a change as follows:

Page 4 lines 13-14 replace Hawai'i State Coalition Against Domestic Violence with "a domestic violence program".

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

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

Sincerely,

Angelina Mercado, Executive Director

**SB-2397-SD-2**

Submitted on: 3/14/2022 6:10:08 PM

Testimony for HHH on 3/17/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Marilyn Yamamoto	Individual	Support	Written Testimony Only

Comments:

Representative Yamane,

Years ago, a custody evaluator took notes of years of spousal abuse that I had experienced. The statement to the court said only this "Mom has concerns if Dad were to be given custody".

**I fully support SB2397 to assure that domestic violence is properly understood and reported to the court.**



**SB-2397-SD-2**

Submitted on: 3/16/2022 3:38:45 PM

Testimony for HHH on 3/17/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
aimee chung	Individual	Support	Written Testimony Only

Comments:

This Bill would support survivors and their children who are victims of abusive relationships. We appreciate your consideration of this Bill and we look forward to favorable Action. Thank you for supporting survivors of domestic violence.

Mahalo,

Aimee Chung, MSW, LSW

Licensed Social Worker

University of Hawai‘i at Mānoa, Faculty

Domestic Violence Action Center, Executive Board Member

**SB-2397-SD-2**

Submitted on: 3/16/2022 8:46:52 PM

Testimony for HHH on 3/17/2022 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ann S Freed	American Association of University Women Honolulu Branch	Support	Written Testimony Only

Comments:



Aloha Chair Yamane, Vice Chair Tam and members,

The American Association of University Women, Hawai'i is in strong support of this bill that will ensure that custody evaluators and fact finders be trained in the dynamics of domestic violence so that their recommendations to the courts on custody matters serve the best interest of children.

It is common sense to ensure that those who hold children's lives in palm of their hands be well-trained in the recognition of Domestic Violence and standards of practice in helping children and their families to overcome the long-lasting effects of this persistent and pervasive form of violence.

Me ke aloha pumehana,

Ann S. Freed for

Public Policy Committee, AAUW of Hawaii

publicpolicy-hi@aauw.net

The American Association of University Women (AAUW) of Hawaii is an all volunteer statewide chapter of a national organization and is made up of six branches: Hilo, Honolulu, Kaua'i, Kona, Maui, and Windward Oahu. UH Hilo, UH Manoa, UH Maui College, and Windward Community College are also AAUW partners. AAUW's mission is to advance gender equity for equal opportunities in education, at workplace and for economic security, and in leadership