



The Judiciary, State of Hawai'i

Testimony to the Thirty-First State Legislature, 2021 Regular Session

Senate Committee on Human Services
Senator Joy A. San Buenaventura , Chair
Senator Les Ihara, Jr., Vice Chair

Thursday, February 11, 2021 at 3:00 p.m.
VIA VIDEOCONFERENCE
State Capitol, Conference Room 225

By
Judge Christine E. Kuriyama
Deputy Chief Judge, Senior Judge
Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 577, Relating to Family Court

Purpose: Amends provisions relating to criteria and procedures in family court determinations regarding custody and visitation rights. Clarifies that a parent's felony conviction for a violent or sexual offense in which the victim was a minor, or requirement to register as a sex offender, raises a rebuttable presumption that custody or visitation by that parent is not in the best interest of the child. Requires courts to consider registration as a sex offender a presumption of risk that affects the burden of producing evidence. Requires courts to state reasons for findings in writing or on the record, including specific findings that there is no risk to the child's health, safety, and welfare.

Judiciary's Position:

The Judiciary appreciates the Legislature's continued efforts to prevent, address, and protect children from domestic abuse, family violence and sexual abuse. The Judiciary respectfully offers the following comments and concerns with regard to Section 2 of the bill, specifically subpart (a)(20):



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The bill seeks to add the following provision: (a)(20) “The court shall not disclose, or cause to be disclosed, the custodial parent’s place of residence, place of employment, or the child’s school, unless the court finds that the disclosure would be in the best interest of the child.”

This proposed subpart would imply that such a restriction would be applicable to all custody cases, including cases where neither abuse nor sexual abuse are involved or even alleged.

As a result, subpart (20) could be revised to state: “If the court makes a finding under subparagraph (9) against a parent, the court shall not disclose, or cause to be disclosed, the custodial parent’s place of residence, place of employment, or the child’s school, unless the court finds that the disclosure would be in the best interest of the child.”

The foregoing will effectuate the Legislature’s intent to protect the custodial parent and the child in circumstances involving violence or abuse, and not impact the vast majority of cases where no such finding of domestic abuse, violence, or sexual abuse is made.

Thank you for the opportunity to provide testimony on this measure.

SB-577

Submitted on: 2/8/2021 10:57:08 AM

Testimony for HMS on 2/11/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
nanci kreidman	Testifying for domestic violence action center	Support	No

Comments:

Aloha,

the wisdom in this amendment is evident.

Favorable action on this Bill can be life altering.

thank you for passing SB 577.

love, nanci kreidman



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Testimony in SUPPORT of SB577

February 11, 2021, 3:00PM, Conference Room 225

The Hawai'i Psychological Association **strongly supports SB577**, as it reduces the risk to children's health, safety, and welfare that arises when family court determinations regarding custody and visitation rights are complicated by a parent's conviction for a violent or sexual offense in which the victim was a minor; or when a parent is required to register as a sex offender. SB577 would statutorily establish a rebuttable assumption that custody or visitation by that parent is not in the best interest of the child.

Psychologists are pleased to see legislation that creates rather than diminishes protections for children whose safety and welfare are sometimes compromised in contentious child custody cases. This bill will establish an important safeguard for children that is evidence-based and frankly, overdue. HPA applauds the sponsors of SB577 for drafting legislation that takes an important step toward protecting the physical and psychological health of children.

Thank you for this opportunity to offer testimony in support of SB577.

Respectfully submitted,

Alex Lichton, Ph.D.
Chair, HPA Legislative Action Committee

SB-577

Submitted on: 2/8/2021 5:39:29 PM

Testimony for HMS on 2/11/2021 3:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen M Gawrys	Individual	Support	No

Comments:

important clarification and requirement