

JAN 20 2023

A BILL FOR AN ACT

RELATING TO FAMILY COURT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 571-2, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending the definition of "family violence" to
4 read:

5 "Family violence" means the occurrence of one or more of
6 the following acts by a family or household member, but does not
7 include acts of self-defense:

8 (1) Attempting to cause, threatening to cause, or causing
9 physical harm to another family or household member;

10 (2) Placing a family or household member in fear of
11 physical harm; [~~or~~]

12 (3) Causing a family or household member to engage
13 involuntarily in sexual activity by force, threat of
14 force, or duress[~~-~~];

15 (4) Causing a child to engage in sexual contact or sexual
16 penetration as defined in section 707-700; or



1 (5) Causing a family or household member extreme
2 psychological abuse as defined in section 586-1."

3 2. By amending the definition of "meaningful contact" to read:

4 "Meaningful contact" means parent and child interactions,
5 activities, and experiences, performed together, which nurture
6 the parent-child attachment and relationship, while contributing
7 to the child's development in a positive and effective manner.
8 Nothing in this definition shall include contact caused through
9 force, enticement, or coercion."

10 SECTION 2. Section 571-46, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§571-46 Criteria and procedure in awarding custody and**
13 **visitation; best interest of the child.** (a) In actions for
14 divorce, separation, annulment, separate maintenance, or any
15 other proceeding where there is at issue a dispute as to the
16 custody of a minor child, the court, during the pendency of the
17 action, at the final hearing, or any time during the minority of
18 the child, may make an order for the custody of the minor child
19 as may seem necessary or proper. In awarding the custody, the
20 court shall be guided in a way not to offend the Hawaii State



1 Constitution and the Constitution of the United States and by
2 the following standards, considerations, and procedures:

3 (1) Custody [~~should~~] shall be awarded to either parent or
4 to both parents according to the best interests of the
5 child, and the court also may consider frequent,
6 continuing, and meaningful contact of each parent with
7 the child [~~unless the court finds that a parent is~~
8 ~~unable to act in the best interest of the child~~];

9 (2) Custody may be awarded to persons other than the
10 [~~father or mother~~] parents whenever the award serves
11 the best interest of the child. Any person who has
12 had de facto custody of the child in a stable and
13 wholesome home and is a fit and proper person shall be
14 entitled prima facie to an award of custody;

15 (3) If a child is of sufficient [~~age and~~] capacity to
16 reason, so as to form [~~an intelligent~~] a reasonable
17 and safe preference, the child's wishes as to custody
18 shall be considered and be given due weight by the
19 court;

20 (4) Whenever good cause appears therefor, the court may
21 require [~~an investigation and report~~] fact finding



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1 concerning the care, welfare, and custody of any minor
2 child of the parties. When so directed by the court,
3 ~~[investigators or]~~ professional personnel attached to
4 or assisting the court, hereinafter referred to as
5 ~~[child custody evaluators,]~~ fact finders, shall ~~[make~~
6 ~~investigations and reports]~~ collect facts that shall
7 be made available to all interested parties and
8 counsel before hearing, and the ~~[reports may]~~ facts
9 shall be received in evidence ~~[if no objection is made~~
10 ~~and, if objection is made, may be received in~~
11 ~~evidence; provided the person or persons responsible~~
12 ~~for the report are available for cross examination as~~
13 ~~to any matter that has been investigated; and provided~~
14 ~~further that the court]~~ to supplement the admissible
15 evidence submitted by the parties. The legislature
16 shall define, in accordance with section 571-46.4, the
17 requirements to be a ~~[court appointed child custody~~
18 ~~evaluator,]~~ fact finder and the standards of practice,
19 ethics, policies, and procedures required of court-
20 appointed ~~[child custody evaluators]~~ fact finders in
21 the performance of their duties for all courts~~[, and~~



1 ~~the powers of the courts over child custody evaluators~~
2 ~~to effectuate the best interests of a child in a~~
3 ~~contested custody dispute pursuant to this section].~~

4 Where there is no [~~child custody evaluator~~] fact
5 finder available that meets the requirements and
6 standards, or any child custody evaluator to serve
7 indigent parties, the court [~~may appoint a person~~
8 ~~otherwise willing and available in accordance with~~
9 ~~section 571-46.4,]~~ shall make its determination based
10 upon all relevant evidence submitted to the trial
11 record by both parties. The court shall admit to the
12 trial record all relevant evidence pertaining to
13 domestic abuse, family violence, or any violent crime;

- 14 (5) The court may hear the testimony of any [~~person or~~
15 ~~expert, produced by any party [or upon the court's own~~
16 ~~motion,~~] whose skill, insight, knowledge, or
17 experience [~~is such that the person's or expert's~~
18 ~~testimony is relevant]~~ pertains to a just and
19 reasonable determination of what is for the best
20 [~~physical, mental, moral, and spiritual]~~ physical or
21 psychological safety and well-being of the child whose



1 custody is at issue[+]. To be admissible as evidence,
2 the testimony, opinions, or findings of an expert
3 shall be subject to science-based evidentiary
4 standards;

5 (6) Any custody award shall be subject to modification or
6 change whenever the best interests of the child
7 require or justify the modification or change and,
8 wherever practicable[,-] or appropriate, the same
9 person who made the original order shall hear the
10 motion or petition for modification of the prior
11 award;

12 (7) Reasonable visitation rights shall be awarded to
13 parents, grandparents, siblings, and any person
14 interested in the welfare of the child in the
15 discretion of the court, unless it is shown that
16 rights of visitation are detrimental to the best
17 interests of the child;

18 (8) The court may appoint a guardian ad litem to represent
19 the interests of the child and may assess the
20 reasonable fees and expenses of the guardian ad litem
21 as costs of the action, payable in whole or in part by



1 either or both parties as the circumstances may
2 justify[+]. Any findings, opinions, or
3 recommendations by the guardian ad litem shall not be
4 based or influenced by unscientific theories, beliefs,
5 or speculation;

6 (9) A child's confirmed disclosure of domestic abuse or
7 family violence and the child's preference of parent
8 shall be prima facie evidence establishing domestic
9 abuse;

10 (10) If domestic abuse, intrafamilial sexual abuse, rape,
11 sexual assault, sexual contact of a child, or severe
12 or pervasive unnecessary corporal punishment of a
13 child has been reported at any time, the court shall
14 appoint a guardian ad litem to represent the child at
15 no cost to the protective parent;

16 (11) When a child discloses domestic abuse or family
17 violence, the court shall consider all videotaped
18 forensic interviews conducted in a criminal
19 investigation regarding the alleged crimes to
20 determine a confirmed disclosure of domestic abuse or
21 family violence. Any identifying information in the



1 video evidence shall be kept confidential in
2 compliance with Hawaii court records rule 9;

3 (12) No finding in the determination of a confirmation of a
4 report of domestic abuse or family violence shall stay
5 a concurrent or future criminal investigation or
6 prosecution;

7 (13) In every proceeding where a dispute as to the custody
8 of a child is at issue, a finding by the court that
9 family violence or domestic abuse has been reported by
10 a protective parent or a child victim raises a
11 rebuttable presumption that it is detrimental to the
12 child and not in the best interest of the child to be
13 placed during the pendency of any action of divorce,
14 separation, paternity, annulment, custody, or other
15 family law matter in sole custody, sole legal custody,
16 joint legal custody, or joint physical custody with
17 the perpetrator of family violence, domestic abuse,
18 intrafamilial sexual abuse, or severe or pervasive
19 unnecessary corporal punishment of a child. A party
20 accused of domestic abuse or family violence shall
21 prove rebuttal with admissible evidence;



1 ~~[(9)]~~ (14) In every proceeding where there is at issue a
2 dispute as to the custody of a child, a determination
3 by the court that family violence or domestic violence
4 has been ~~[committed]~~ perpetrated by a parent raises ~~[a~~
5 ~~rebuttable]~~ an irrebuttable presumption that it is
6 detrimental to the child and not in the best interest
7 of the child to be placed, at any time, in sole
8 custody, sole legal custody, joint legal custody, or
9 joint physical custody with the perpetrator of family
10 violence~~[-]~~ or domestic abuse. In addition to other
11 factors that a court shall consider in a proceeding in
12 which the custody of a child or visitation by a parent
13 is at issue, and in which the court has made a finding
14 of family violence or domestic violence has been
15 perpetrated by a parent:

16 (A) The court shall consider as ~~[the primary factor]~~
17 its paramount priority the safety and well-being
18 of the child and ~~[of the]~~ parent who ~~[is]~~ are the
19 ~~[victim]~~ victims of family violence~~[+]~~ or
20 domestic abuse and the court shall determine
21 custody in the best interests of the child and of



1 the parent who are the victims of domestic abuse
2 or family violence;

3 (B) The court shall consider witness testimony of the
4 perpetrator's history or pattern of causing
5 physical harm, bodily injury, or assault or
6 causing reasonable fear of physical harm, bodily
7 injury, or assault to another person; [~~and~~]

8 (C) If a parent is absent, misses a court matter, or
9 relocates because of [~~an~~] a past or current act
10 or acts or threats of family violence or domestic
11 abuse, committed by the other parent, the absence
12 or relocation of the parent identified as the
13 victim of abuse shall not be a factor that weighs
14 against the parent who is the victim of family
15 violence of domestic abuse in determining custody
16 or visitation;

17 (D) In matters where the child is the alleged or
18 reported victim of family violence or domestic
19 abuse, the court shall consider the official
20 videotaped recording of the child's forensic
21 interview conducted by a third party licensed



1 clinical expert or trained law enforcement
2 officer. The recording shall be considered as
3 witness testimony, which shall be entered into
4 the court record under confidential seal pursuant
5 to Hawaii court records rule 9, and which the
6 court shall consider as prima facie evidence in
7 determining custody in the best interests of the
8 child in favor of the non-offending parent, or if
9 the non-offending parent is not available, the
10 next available candidate who meets the standards
11 of this section and as established by Hawaii
12 common law; and

13 (E) Whenever family violence or domestic abuse has
14 been reported, the court shall enter all
15 admissible evidence into the record and shall
16 issue its finding of fact for its determination
17 of custody, for the court record;

18 ~~[(10)]~~ (15) A court may award limited supervised visitation
19 to a parent who has committed ~~[family violence]~~
20 physical harm to child only with the consent of the
21 parent who is the victim of family violence or



1 domestic abuse and if the court finds that adequate
 2 provision can be made for the physical safety and
 3 psychological well-being of the child and for the
 4 safety and psychological well-being of the parent who
 5 is a victim of family violence[+] or domestic abuse;

6 ~~[(11)]~~ (16) ~~[In]~~ If a parent who has committed physical harm
 7 to a child is eligible for visitation, in a visitation
 8 order, a court may:

- 9 (A) Order an exchange of a child to occur in a
 10 protected setting;
- 11 (B) Order visitation supervised by another person or
 12 agency;
- 13 (C) Order the perpetrator of ~~[family violence]~~
 14 physical harm to a child to attend and complete,
 15 to the satisfaction of the court, a certified
 16 program of intervention for perpetrators or other
 17 designated counseling as a condition of ~~[the]~~
 18 eligibility for visitation;
- 19 (D) Order the perpetrator of ~~[family violence]~~
 20 physical harm to a child to abstain from
 21 possession or consumption of alcohol or



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- 1 controlled substances [~~during the~~] or deadly
2 weapons as a prerequisite for eligibility for
3 visitation [~~and for twenty-four hours preceding~~
4 ~~the visitation~~];
- 5 (E) Order the perpetrator of [~~family violence~~]
6 physical harm to a child to pay a fee to defray
7 the costs of supervised visitation;
- 8 (F) Prohibit overnight visitation;
- 9 (G) Require a bond from the perpetrator of [~~family~~
10 ~~violence~~] physical harm to a child for the return
11 and safety of the child. In determining the
12 amount of the bond, the court shall consider the
13 financial circumstances of the perpetrator of
14 [~~family violence;~~] physical harm to a child;
- 15 (H) Impose any other condition that is deemed
16 necessary to provide for the safety of the child,
17 the victim of family violence, or other family or
18 household member; and
- 19 (I) Order the address of the child and the victim of
20 family violence or domestic abuse to be kept
21 confidential;



1 ~~[(12)]~~ (17) The court ~~[may refer but]~~ shall not order ~~[an~~
2 ~~adult who is]~~ the parent who is a victim of family
3 violence or domestic abuse to attend~~[,]~~ counseling,
4 either individually or with the perpetrator of the
5 family violence~~[, counseling relating to the victim's~~
6 ~~status or behavior as a victim as a condition of~~
7 ~~receiving custody of a child or as a condition of~~
8 ~~visitation,]~~ or domestic abuse;

9 (18) The court shall not order any child who is a victim of
10 family violence or domestic abuse to engage in family
11 therapy with the reported perpetrator of the abuse
12 without written consent from the parent who is a
13 victim of family violence or domestic abuse,
14 subsequent to legal counsel;

15 ~~[(13)]~~ (19) If a court allows a family or household member
16 to supervise visitation, the court shall establish
17 conditions to be followed during visitation;

18 ~~[(14)]~~ (20) A supervised visitation center shall provide a
19 secure setting and specialized procedures for
20 supervised visitation and the transfer of children for
21 visitation and supervision by a person trained in



1 security and the avoidance of family violence[+] and
2 domestic abuse;

3 [~~15~~] (21) [~~The~~] If the perpetrator of physical harm to a
4 child or severe or pervasive unnecessary corporal
5 punishment of a child is not eligible for visitation,
6 then upon consent of the non-offending parent, the
7 court may include, in visitation awarded pursuant to
8 this section, visitation by electronic communication
9 provided that the court shall additionally consider
10 the potential for abuse or misuse of the electronic
11 communication, including the equipment used for the
12 communication, by the person seeking visitation or by
13 persons who may be present during the visitation or
14 have access to the communication or equipment; whether
15 the person seeking visitation has previously violated
16 a temporary restraining order or protective order; and
17 whether adequate provision can be made for the
18 physical safety and psychological well-being of the
19 child and for the safety and psychological well-being
20 of the [~~eustodial~~] parent[+] who is a victim of family
21 violence or domestic abuse;



1 ~~[(16)]~~ (22) The court may set conditions for visitation by
2 electronic communication under paragraph (15),
3 including visitation supervised by another person or
4 occurring in a protected setting. Visitation by
5 electronic communication shall not be used to~~[-~~
6 ~~(A) Replae~~ replace or substitute an award of
7 custody or physical visitation except where:
8 ~~[-i)]~~ (A) Circumstances exist that make a parent
9 seeking visitation unable to participate in
10 physical visitation, including military
11 deployment; ~~[or~~
12 ~~(ii) Physical visitation may subject the child to~~
13 ~~physical or extreme psychological harm; or]~~
14 (B) The child refuses visitation due to a parent's
15 past or current act of family violence, domestic
16 abuse, or severe or pervasive unnecessary
17 corporal punishment of a child; or
18 (C) Family violence, domestic abuse, intrafamilial
19 sexual abuse, or severe or pervasive unnecessary
20 corporal punishment of a child has been reported;



1 ~~[(B) Justify or support the relocation of a custodial~~
2 ~~parent,]~~ and

3 ~~[(17)]~~ (23) Notwithstanding any provision to the contrary,
4 no natural parent shall be granted custody of or
5 visitation with a child if the natural parent has been
6 convicted in a court of competent jurisdiction in any
7 state of rape or sexual assault and the child was
8 conceived as a result of that offense; provided that:

9 (A) A denial of custody or visitation under this
10 paragraph shall not affect the obligation of the
11 convicted natural parent to support the child;

12 (B) The court may order the convicted natural parent
13 to pay child support;

14 (C) This paragraph shall not apply if subsequent to
15 the date of conviction, the convicted natural
16 parent and custodial natural parent cohabituate
17 and establish a mutual custodial environment for
18 the child; and

19 (D) A custodial natural parent may petition the court
20 to grant the convicted natural parent custody and
21 visitation denied pursuant to this paragraph, and



1 upon such petition the court may grant custody
2 and visitation to the convicted natural parent
3 where it is in the best interest of the child.

4 (b) In determining what constitutes the best interest of
5 the child under this section, the court shall consider~~[7]~~ but
6 not be limited to~~[7]~~ the following:

- 7 (1) Any history of sexual or physical abuse of a child by
8 a parent;
- 9 (2) Any history of neglect or emotional abuse or extreme
10 psychological harm of a child by a parent;
- 11 (3) The overall quality of the parent-child relationship;
- 12 (4) The history of caregiving or parenting by each parent
13 prior, during, and subsequent to a [marital] marriage
14 or other type of separation;
- 15 (5) Each parent's cooperation in developing and
16 implementing a plan to meet the child's ongoing needs,
17 interests, and schedule; provided that this factor
18 shall not be considered in any case where the court
19 has ~~[determined]~~ found that family violence or
20 domestic abuse of a child has been ~~[committed by a~~
21 ~~parent,]~~ reported;



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- 1 (6) The physical health needs of the child;
- 2 (7) The emotional needs of the child;
- 3 (8) The safety needs of the child;
- 4 (9) The educational needs of the child;
- 5 (10) The child's need for relationships with siblings;
- 6 (11) Each parent's actions demonstrating that they allow
- 7 the child to maintain family connections through
- 8 family events and activities; provided that this
- 9 factor shall not be considered in any case where [~~the~~
- 10 ~~court has determined that~~] family violence or domestic
- 11 abuse has been [~~committed by a parent,~~] reported;
- 12 [~~(12)~~] ~~Each parent's actions demonstrating that they separate~~
- 13 ~~the child's needs from the parent's needs,~~
- 14 ~~(13)~~] (12) Any evidence of past or current drug or alcohol
- 15 abuse by a parent;
- 16 [~~(14)~~] (13) The mental health of each parent;
- 17 [~~(15)~~] (14) The areas and levels of conflict present within
- 18 the family[~~, and~~], unless family violence or domestic
- 19 abuse has been reported;
- 20 [~~(16)~~] ~~A parent's prior wilful misuse of the protection from~~
- 21 ~~abuse process under chapter 586 to gain a tactical~~



1 ~~advantage in any proceeding involving the custody~~
2 ~~determination of a minor. Such wilful misuse may be~~
3 ~~considered only if it is established by clear and~~
4 ~~convincing evidence, and if it is further found by~~
5 ~~clear and convincing evidence that in the particular~~
6 ~~family circumstance the wilful misuse tends to show~~
7 ~~that, in the future, the parent who engaged in the~~
8 ~~wilful misuse will not be able to cooperate~~
9 ~~successfully with the other parent in their shared~~
10 ~~responsibilities for the child. The court shall~~
11 ~~articulate findings of fact whenever relying upon this~~
12 ~~factor as part of its determination of the best~~
13 ~~interests of the child. For the purposes of this~~
14 ~~section, when taken alone, the voluntary dismissal of~~
15 ~~a petition for protection from abuse shall not be~~
16 ~~treated as prima facie evidence that a wilful misuse~~
17 ~~of the protection from abuse process has occurred.]~~

18 (15) Each parent's efforts to provide meaningful contact
19 between the child and the other parent, unless family
20 violence or domestic abuse has been reported;



1 (16) If any child has one particular parent with which the
2 child shares a strong parent-child bond but lacks that
3 bond with the other parent for any reason, a court
4 shall not award custody to a child's non-bonded
5 parent;

6 (17) If a child's parent is still breastfeeding a child, a
7 court shall not consider awarding joint physical
8 custody or full physical custody to a non-
9 breastfeeding parent until the child has been fully
10 weaned. The court and all other parties shall respect
11 a parent's privacy right to determine when to fully
12 wean the child; and

13 (18) A parent's history or pattern of family violence or
14 domestic abuse against the other parent during the
15 pendency of any divorce or custody case,
16 investigation, or protective order matter.

17 (c) In determining what constitutes the best interest of
18 the child under this section, the court shall not consider
19 parental alienation or any of its forms, emanations, or any one
20 or more of its factors as a defense, rebuttal, or basis for any
21 opinion relating to child custody determinations in the best



1 interest of the child. Courts and third party professionals
2 involved in these determinations shall consider paternal
3 alienation claims to be scientifically discredited, gender
4 biased, and inadmissible in the court of law."

5 SECTION 3. Section 571-46.1, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§571-46.1 Joint custody. (a) Upon the application of
8 either parent, joint custody may be awarded in the discretion of
9 the court[-], unless family violence or domestic abuse, or
10 pervasive or severe unnecessary corporal punishment of a child
11 has been reported. For the purpose of assisting the court in
12 making a determination whether an award of joint custody is
13 appropriate, the court shall, upon the request of either party,
14 direct that [~~an investigation~~] fact finder be [~~conducted~~]
15 appointed pursuant to the provisions of section 571-46(a)(4).

16 (b) For the purposes of this section, "joint custody"
17 means an order awarding legal custody of the minor child or
18 children to both parents and providing that physical custody
19 shall be shared by the parents, pursuant to a parenting plan
20 developed pursuant to section 571-46.5[, ~~in such a way as to~~
21 ~~assure the child or children of frequent, continuing, and~~



1 ~~meaningful contact with both parents; provided, however, that~~
2 ~~such order may award joint legal custody without awarding joint~~
3 ~~physical custody]. A court shall not order joint custody of any
4 kind upon its finding that family violence or domestic abuse has
5 been reported.~~

6 (c) Any order for joint custody may be modified or
7 terminated upon the petition of one or both parents or on the
8 court's own motion if it is shown that the best interests of the
9 child require modification or termination of the order[-],
10 unless a court determines that family violence, domestic abuse,
11 or intrafamilial sexual abuse has been confirmed.

12 (d) Any order for the custody of the minor child or
13 children of a marriage entered by a court in this State or any
14 other state may, subject to the jurisdictional requirements set
15 forth in sections 583A-201 to 583A-204, be modified at any time
16 to an order of joint custody in accordance with this section[-],
17 unless a court finds that family violence or domestic violence
18 or any history of either has been confirmed or is the reason for
19 a parent living in a different jurisdiction."

20 SECTION 4. Section 580-47, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) Upon granting a divorce, or thereafter if, in
2 addition to the powers granted in subsections (c) and (d),
3 jurisdiction of those matters is reserved under the decree by
4 agreement of both parties or by order of court after finding
5 that good cause exists, the court [~~may~~] shall make [~~any~~] further
6 orders [~~as shall appear~~] just and equitable (1) compelling the
7 parties or either of them to provide for the support,
8 maintenance, and education of the children of the parties; (2)
9 compelling either party to provide for the support and
10 maintenance of the other party; (3) finally dividing and
11 distributing the estate of the parties, real, personal, or
12 mixed, whether community, joint, or separate; and (4)
13 allocating, as between the parties, the responsibility for the
14 payment of the debts of the parties whether community, joint, or
15 separate, and the attorney's fees, costs, and expenses incurred
16 by each party by reason of the divorce. In making these further
17 orders, the court shall take into consideration: the respective
18 merits of the parties, the relative abilities of the parties,
19 the condition in which each party will be left by the divorce,
20 the burdens imposed upon either party for the benefit of the
21 children of the parties, the concealment of or failure to



1 disclose income or an asset, or violation of a restraining order
2 issued under section 580-10(a) or (b), if any, by either party,
3 and all other circumstances of the case. In establishing the
4 amounts of child support, the court shall use the guidelines
5 established under section 576D-7. Provision may be made for the
6 support, maintenance, and education of an adult or minor child
7 and for the support, maintenance, and education of an
8 incompetent adult child whether or not the petition is made
9 before or after the child has attained the age of majority. In
10 those cases where child support payments are to continue due to
11 the adult child's pursuance of education, the agency, three
12 months prior to the adult child's nineteenth birthday, shall
13 send notice by regular mail to the adult child and the custodial
14 parent that prospective child support will be suspended unless
15 proof is provided by the custodial parent or adult child to the
16 child support enforcement agency, prior to the child's
17 nineteenth birthday, that the child is presently enrolled as a
18 full-time student in school or has been accepted into and plans
19 to attend as a full-time student for the next semester a post-
20 high school university, college, or vocational school. If the
21 custodial parent or adult child fails to do so, prospective



1 child support payments may be automatically suspended by the
2 child support enforcement agency, hearings officer, or court
3 upon the child reaching the age of nineteen years. In addition,
4 if applicable, the agency, hearings officer, or court may issue
5 an order terminating existing assignments against the
6 responsible parent's income and income assignment orders.

7 In addition to any other relevant factors considered, the
8 court, in ordering spousal support and maintenance, shall
9 consider the following factors:

- 10 (1) Financial resources of the parties;
- 11 (2) Ability of the party seeking support and maintenance
12 to meet his or her needs independently;
- 13 (3) Duration of the marriage;
- 14 (4) Standard of living established during the marriage;
- 15 (5) Age of the parties;
- 16 (6) Physical and emotional condition of the parties;
- 17 (7) Usual occupation of the parties during the marriage;
- 18 (8) Vocational skills and employability of the party
19 seeking support and maintenance;
- 20 (9) Needs of the parties;
- 21 (10) Custodial and child support responsibilities;



1 (11) Ability of the party from whom support and maintenance
2 is sought to meet his or her own needs while meeting
3 the needs of the party seeking support and
4 maintenance;

5 (12) Other factors which measure the financial condition in
6 which the parties will be left as the result of the
7 action under which the determination of maintenance is
8 made; and

9 (13) Probable duration of the need of the party seeking
10 support and maintenance.

11 The court may order support and maintenance to a party for
12 an indefinite period or until further order of the court;
13 provided that in the event the court determines that support and
14 maintenance shall be ordered for a specific duration wholly or
15 partly based on competent evidence as to the amount of time
16 which will be required for the party seeking support and
17 maintenance to secure adequate training, education, skills, or
18 other qualifications necessary to qualify for appropriate
19 employment, whether intended to qualify the party for a new
20 occupation, update or expand existing qualification, or
21 otherwise enable or enhance the employability of the party, the



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1 court shall order support and maintenance for a period
2 sufficient to allow completion of the training, education,
3 skills, or other activity, and shall allow, in addition,
4 sufficient time for the party to secure appropriate employment."

5 SECTION 5. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 6. This Act shall take effect upon its approval.

8

INTRODUCED BY:





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Report Title:

Family Court; Custody and Visitation; Family Violence; Domestic Abuse

Description:

Amends provisions relating to criteria and procedures in court determinations regarding custody and visitation rights, including the court's consideration of family violence and domestic abuse.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

