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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE COMMITTEES ON HUMAN SERVICES AND THE COMMITTEES  
ON JUDICIARY OF THE SENATE AND THE HOUSE OF REPRESENTATIVES  
TO RECONVENE THE SCR 52 TASK FORCE TO FURTHER STUDY  
RECOMMENDATIONS MADE BY THE SCR 52 TASK FORCE COMMITTEES.

1           WHEREAS, in the 2004 Regular Session, the Senate adopted  
2 Senate Resolution No. 40 authorizing the Senate Committee on  
3 Human Services to convene interim hearings on the Hawaii Family  
4 Court; and

5  
6           WHEREAS, the interim hearings were designed to explore ways  
7 to make the Hawaii Family Court more accessible and family  
8 oriented and focused on important issues relating to reduction  
9 in caseload, to limit the long-term use of interventions such as  
10 temporary restraining orders and protective orders, to ensure  
11 greater accountability of court-appointed personnel such as  
12 custody evaluators and guardians ad litem, and to examine ways  
13 to reduce needless expenditures of time and money in  
14 counterproductive litigation relating to child custody  
15 determinations; and

16  
17           WHEREAS, during the course of those interim hearings, four  
18 task force groups were formed and submitted their findings and  
19 recommendations to the Senate Committee on Human Services; and

20  
21           WHEREAS, some of the recommendations were adopted and  
22 received legislative attention, but there were still other  
23 issues that remained unresolved; and

24  
25           WHEREAS, to continue work on the unresolved issues, in the  
26 2006 Regular Session, the Senate and the House of  
27 Representatives adopted Senate Concurrent Resolution No. 52,  
28 S.D. 1, authorizing the Committees on Human Services of the  
29 Senate and the House of Representatives to convene interim  
30 hearings on the use of legal interventions available to the



1 Family Court and to establish one or more task forces to  
2 facilitate their work; and

3  
4 WHEREAS, the SCR 52 Task Force was established for that  
5 purpose; and

6  
7 WHEREAS, during the course of the recent interim hearings,  
8 four committees were formed relating to Family Court Models,  
9 Family Court Sunshine and Accountability, Temporary Restraining  
10 Orders, and the Best Interests of the Child; and

11  
12 WHEREAS, after hours of hard work and meetings, the four  
13 committees submitted their findings and recommendations to the  
14 SCR 52 Task Force and the Committees on Human Services of the  
15 Senate and the House of Representatives, which adopted many of  
16 the recommendations; and

17  
18 WHEREAS, there are other issues and recommendations that  
19 the SCR 52 Task Force needs to study further; and

20  
21 WHEREAS, the Family Court Models Committee found that:

- 22
- 23 (1) A process, known as the Family Court Parenting Plan  
24 Model, should exist to assist parents to develop a  
25 parenting plan without and prior to family court  
26 intervention;
  - 27
  - 28 (2) Child custody matters involving domestic violence  
29 should be exempt from the process and should be  
30 screened out at any time in the process in addition to  
31 the first screening;
  - 32
  - 33 (3) After the initial screening for domestic violence,  
34 parents should participate in an expanded version of  
35 Kids First that includes:
    - 36
    - 37 (A) Education about parenting after divorce;
    - 38
    - 39 (B) Parenting roles within one home and across homes;
    - 40
    - 41 (C) Optional advanced parenting education;
    - 42
    - 43 (D) An opportunity for children to provide their  
44 activities schedules;



- 1
- 2 (E) An introduction to the concept of a parenting
- 3 plan; and
- 4
- 5 (F) An overview of divorce and paternity procedures;
- 6
- 7 (4) If the parents are unable to develop a parenting plan
- 8 after participation in the expanded version of Kids
- 9 First, the parents should meet with a Trained
- 10 Parenting Plan Facilitator for a series of
- 11 facilitations, if necessary, to assist with their
- 12 development of a parenting plan;
- 13
- 14 (5) The Trained Parenting Plan Facilitator should be able
- 15 to make confidential recommendations for services to
- 16 either parent at any time in the process;
- 17
- 18 (6) The process should be confidential, non-adversarial,
- 19 without the presence of attorneys, and the parents
- 20 should have the same Trained Parenting Plan
- 21 Facilitator throughout the process;
- 22
- 23 (7) If after participating in the process the parents
- 24 still cannot develop a parenting plan, they should
- 25 proceed to family court with any agreed upon issues
- 26 standing and for resolution of the outstanding issues;
- 27 and
- 28
- 29 (8) The parents should have the same judge throughout the
- 30 child custody proceedings; and
- 31

32 WHEREAS, with regard to the Family Court Models Committee,  
33 the Task Force needs to further:

- 34
- 35 (1) Study the level of children's involvement in the
- 36 process, including the possibility of expanding
- 37 services to meet children's needs in regard to the
- 38 impact of a child custody dispute;
- 39
- 40 (2) Research and recommend best practices in the
- 41 development of a parenting plan; and
- 42
- 43 (3) Research and recommend best practices in the training
- 44 and qualifications of the trained parenting plan



1           facilitator, including training on the issues facing  
2           both the petitioner and the respondent; and  
3

4           WHEREAS, with regard to the Family Court Sunshine and  
5           Accountability Committee, the Task Force needs to further study:  
6

- 7           (1)    The education, training, and experience standards for  
8           family court evaluators;  
9
- 10          (2)    Court-appointed custody evaluator models found in  
11          other jurisdictions, such as California, to determine  
12          if any model explored would be appropriate for  
13          implementation in the Hawaii family courts; and  
14
- 15          (3)    Any other outstanding recommendations regarding family  
16          court custody evaluators; and  
17

18          WHEREAS, the Temporary Restraining Orders Committee found  
19          that:

- 20
- 21          (1)    Temporary restraining orders should address the issue  
22          of minors in greater detail, to wit:  
23
- 24                  (A)    A temporary restraining order should provide  
25                  notice to the petitioner and respondent that at  
26                  the first Order to Show Cause hearing, the court  
27                  will have authority to enter a temporary ninety  
28                  day emergency order regarding any child-in-common  
29                  that addresses relevant issues of child support,  
30                  housing, health insurance, transportation, and  
31                  visitation by the non-custodial parent; and  
32
- 33                  (B)    The temporary ninety day emergency order should  
34                  not be used as evidence in subsequent legal  
35                  proceedings;  
36
- 37          (2)    The Ex Parte Petition for a Temporary Restraining  
38          Order for Protection should request a narrative of the  
39          "threats of abuse to the child," explain that "threats  
40          of abuse" include the acts of abuse described in  
41          chapter 586, Hawaii Revised Statutes, and list those  
42          examples of abuse;  
43



1 (3) The Ex Parte Petition for a Temporary Restraining  
2 Order for Protection form should also be modified to  
3 request:

4  
5 (A) Information on the parties' legal relationship to  
6 the child;

7  
8 (B) Whether there has been agency contact and if so,  
9 it should be specified; and

10  
11 (C) Whether there are any other known legal actions  
12 regarding the child or the parties; and

13  
14 (4) There is a need to provide better information to the  
15 Family Court Judge; and

16  
17 WHEREAS, with regard to the Temporary Restraining Orders  
18 Committee, the Task Force needs to further study the issues  
19 identified by the Temporary Restraining Orders Committee; and

20  
21 WHEREAS, with regard to the Best Interests of the Child  
22 Committee, the Task Force needs to further study the  
23 recommendations regarding a Children's Bill of Rights; now,  
24 therefore,

25  
26 BE IT RESOLVED by the House of Representatives of the  
27 Twenty-fourth Legislature of the State of Hawaii, Regular  
28 Session of 2007, the Senate concurring, that the Committees with  
29 subject matter jurisdiction over Human Services and the  
30 Judiciary of the Senate and the House of Representatives are  
31 requested to reconvene the SCR 52 Task Force to further study  
32 the outstanding recommendations of the four committees that were  
33 formed relating to Family Court Models, Family Court Sunshine  
34 and Accountability, Temporary Restraining Orders, and the Best  
35 Interests of the Child, and any other related issues; and

36  
37 BE IT FURTHER RESOLVED that, upon the adoption of this  
38 Concurrent Resolution, the SCR 52 Task Force be referred to as  
39 the Family Court Legal Interventions Task Force and cease to  
40 exist on January 1, 2009; and

41  
42 BE IT FURTHER RESOLVED that the task force include one  
43 representative of the Department of Human Services; the  
44 Department of Health; the Hawaii Association of Marriage and



1 Family Therapists; the Family Law Section of the Hawaii State  
 2 Bar Association; the National Association of Social Workers,  
 3 Hawaii Chapter; the Children's Rights Council; the Hawaii  
 4 Coalition for Dads; Legal Aid Society of Hawaii; Volunteer Legal  
 5 Services Hawaii; the Hawaii State Coalition Against Domestic  
 6 Violence; the Domestic Violence Clearinghouse and Legal Hotline;  
 7 the Mediation Center of the Pacific; EPIC Ohana Conferencing;  
 8 and the Hawaii Psychological Association; and  
 9

10 BE IT FURTHER RESOLVED that the task force submit an  
 11 interim report, including any proposed legislation, no later  
 12 than twenty days prior to the convening of the Regular Session  
 13 of 2008, and submit a final report, including any proposed  
 14 legislation, no later than twenty days prior to the convening of  
 15 the Regular Session of 2009; and  
 16

17 BE IT FURTHER RESOLVED that certified copies of this  
 18 Concurrent Resolution be transmitted to the President of the  
 19 Senate, the Speaker of the House of Representatives, the Chair  
 20 of the Senate Committee on Human Services and Public Housing,  
 21 the Chair of the House Human Services and Housing Committee, the  
 22 Chair of the Senate Committee on Judiciary and Labor, the Chair  
 23 of the House Judiciary Committee, the Director of Human  
 24 Services, the Director of Health, President of the Board of  
 25 Directors of the Hawaii Association of Marriage and Family  
 26 Therapists, Chair of the Family Law Section, President of the  
 27 Hawaii State Bar Association, Executive Director of the Hawaii  
 28 Chapter of the National Association of Social Workers, President  
 29 of the Children's Rights Council of Hawaii, President of the  
 30 Hawaii Coalition for Dads, President of the Legal Aid Society of  
 31 Hawaii, Executive Director of Volunteer Legal Services Hawaii,  
 32 Executive Director of the Hawaii State Coalition Against  
 33 Domestic Violence, Executive Director of the Domestic Violence  
 34 Clearinghouse and Legal Hotline, President of the Board of  
 35 Directors of the Mediation Center of the Pacific, Director of  
 36 EPIC Ohana Conferencing, President of Hawaii Psychological  
 37 Association, and the Chief Justice of the Hawaii Supreme Court.  
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 39  
 40

OFFERED BY:

*How m. Soren*  
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