

---

---

# HOUSE CONCURRENT RESOLUTION

REQUESTING THE COMMITTEES WITH SUBJECT MATTER JURISDICTION OVER HUMAN SERVICES AND THE JUDICIARY OF THE SENATE AND HOUSE OF REPRESENTATIVES TO RECONVENE THE TASK FORCE ESTABLISHED IN SCR 52, SD1, REGULAR SESSION OF 2006, TO FURTHER STUDY RECOMMENDATIONS MADE BY THE TASK FORCE'S COMMITTEES RELATING TO THE FAMILY COURT.

1           WHEREAS, in the 2004 Regular Session, the Senate adopted  
2 Senate Resolution No. 40, S.D. 2, authorizing the Senate  
3 Committee on Human Services to convene interim hearings on the  
4 Hawaii Family 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:  
9

- 10           (1) Reducing caseloads;  
11  
12           (2) Limiting the long-term use of interventions such as  
13 temporary restraining orders and protective orders;  
14  
15           (3) Ensuring greater accountability of court-appointed  
16 personnel such as custody evaluators and guardians ad  
17 litem; and  
18  
19           (4) Examining ways to reduce needless expenditures of time  
20 and money in counterproductive litigation relating to  
21 child custody determinations;  
22

23 and  
24

25           WHEREAS, during the course of those interim hearings, four  
26 task force groups were formed and submitted their findings and  
27 recommendations to the Senate Committee on Human Services; and



1 WHEREAS, some of the recommendations were adopted and  
2 received legislative attention, but there are still other issues  
3 that remain unresolved; and  
4

5 WHEREAS, to continue the work on the unresolved issues, in  
6 the 2006 Regular Session, the Senate and the House of  
7 Representatives adopted Senate Concurrent Resolution No. 52,  
8 S.D. 1, (SCR 52) authorizing the Committees on Human Services of  
9 the Senate and the House of Representatives to convene interim  
10 hearings on the use of legal interventions available to the  
11 Family Court and to establish one or more task forces to  
12 facilitate their work; and  
13

14 WHEREAS, the SCR 52 Task Force (Task Force) was established  
15 for that purpose; and  
16

17 WHEREAS, during the course of the recent interim hearings,  
18 four committees were formed as follows:  
19

- 20 (1) Family Court Models Committee (Models Committee);  
21
- 22 (2) Family Court Sunshine and Accountability Committee  
23 (Sunshine Accountability Committee);  
24
- 25 (3) Temporary Restraining Orders Committee (TRO  
26 Committee); and  
27
- 28 (4) The Best Interests of the Child Committee (BIC  
29 Committee);  
30

31 and  
32

33 WHEREAS, after hours of hard work and meetings, the four  
34 committees submitted their findings and recommendations to the  
35 Task Force and the Committees on Human Services of the Senate  
36 and the House of Representatives, which adopted many of the  
37 recommendations; and  
38

39 WHEREAS, there are other issues and recommendations that  
40 the Task Force needs to study further; and



1 WHEREAS, the Models Committee found that:

2  
3 (1) A process, known as the "Family Court Parenting Plan  
4 Model", should exist to assist parents to develop a  
5 parenting plan without and prior to Family Court  
6 intervention;

7 (2) Child custody matters involving domestic violence  
8 should be exempt from the process and should be  
9 screened out at any time in the process in addition to  
10 the first screening;

11  
12 (3) After the initial screening for domestic violence,  
13 parents should participate in an expanded version of  
14 "Kids First" program that includes:

15  
16 (A) Education about parenting after divorce;

17  
18 (B) Parenting roles within one's home and across  
19 homes;

20  
21 (C) Optional advanced parenting education;

22  
23 (D) An opportunity for children to provide their  
24 activities schedules;

25  
26 (E) An introduction to the concept of a parenting  
27 plan; and

28  
29 (F) An overview of divorce and paternity procedures;

30  
31 (4) If the parents are unable to develop a parenting plan  
32 after participation in the expanded version of the  
33 "Kids First" program, parents should meet with a  
34 trained parenting plan facilitator for a series of  
35 facilitations, if necessary, to assist with their  
36 development of a parenting plan;

37  
38 (5) The trained parenting plan facilitator should be able  
39 to make confidential recommendations for services to  
40 either parent at any time in the process;



1 (6) The process should be confidential, non-adversarial,  
2 without the presence of attorneys, and the parents  
3 should have the same trained parenting plan  
4 facilitator throughout the process;  
5

6 (7) If, after participating in the process, the parents  
7 still cannot develop a parenting plan, they should  
8 proceed to Family Court with any outstanding agreed-  
9 upon issues and for resolution of the outstanding  
10 issues; and  
11

12 (8) The parents should have the same judge throughout the  
13 child custody proceedings;  
14

15 and

16  
17 WHEREAS, with regard to the Models Committee, the Task  
18 Force needs to further:

19  
20 (1) Study the level of children's involvement in the  
21 process, including the possibility of expanding  
22 services to meet children's needs in regard to the  
23 impact of a child custody dispute;  
24

25 (2) Research and recommend best practices in the  
26 development of a parenting plan; and  
27

28 (3) Research and recommend best practices in the training  
29 and qualifications of the trained parenting plan  
30 facilitator, including training on the issues facing  
31 both the petitioner and the respondent;  
32

33 and

34  
35 WHEREAS, with regard to the Sunshine Accountability  
36 Committee, the Task Force needs to further study:

37  
38 (1) The education, training, and experience standards for  
39 Family Court custody evaluators;  
40

41 (2) Court-appointed custody evaluator models found in  
42 other jurisdictions, such as California, to determine  
43 if any model explored would be appropriate for  
44 implementation in the Hawaii Family Courts; and



1 (3) Any other outstanding recommendations regarding Family  
2 Court custody evaluators;

3  
4 and

5  
6 WHEREAS, the TRO Committee found that:

7 (1) Temporary restraining orders should address the issue  
8 of minors in greater detail, most notably:

9  
10 (A) A temporary restraining order should provide  
11 notice to the petitioner and respondent that at  
12 the first order to show cause hearing, the court  
13 will have authority to enter a temporary 90-day  
14 emergency order regarding any child-in-common  
15 that addresses relevant issues of child support,  
16 housing, health insurance, transportation, and  
17 visitation by the non-custodial parent; and

18  
19 (B) The temporary 90-day emergency order should not  
20 be used as evidence in subsequent legal  
21 proceedings;

22  
23 (2) The ex parte petition for a temporary restraining  
24 order for protection should request a narrative of the  
25 "threats of abuse to the child," explain that "threats  
26 of abuse" include the acts of abuse described in  
27 chapter 586, Hawaii Revised Statutes, and list those  
28 examples of abuse;

29  
30 (3) The ex parte petition for a temporary restraining  
31 order for protection form should be modified to  
32 request:

33  
34 (A) Information on the parties' legal relationship to  
35 the child;

36  
37 (B) Whether there has been agency contact and if so,  
38 it should be specified; and

39  
40 (C) Whether there are any other known legal actions  
41 regarding the child or the parties;

42  
43 and



1 (4) There is a need to provide better information to the  
2 Family Court judge;

3  
4 and

5 WHEREAS, with regard to the TRO Committee, the Task Force  
6 needs to further study the issues identified by the TRO  
7 Committee; and

8  
9 WHEREAS, with regard to the BIC Committee, the Task Force  
10 needs to further study the recommendations regarding a  
11 Children's Bill of Rights; now, therefore,

12  
13 BE IT RESOLVED by the House of Representatives of the  
14 Twenty-fourth Legislature of the State of Hawaii, Regular  
15 Session of 2007, the Senate concurring, that the committees with  
16 subject matter jurisdiction over human services and the  
17 Judiciary of the Senate and the House of Representatives are  
18 requested to reconvene the Task Force to further study the  
19 outstanding recommendations of the four committees that were  
20 formed to wit: Family Court Models, Family Court Sunshine and  
21 Accountability, Temporary Restraining Orders, and the Best  
22 Interests of the Child; and any other related issues; and

23  
24 BE IT FURTHER RESOLVED that, upon the adoption of this  
25 Concurrent Resolution, the Task Force be referred to as the  
26 Family Court Legal Interventions Task Force and cease to exist  
27 on January 1, 2009; and

28  
29 BE IT FURTHER RESOLVED that the Task Force include one  
30 representative from the:

- 31 (1) Department of Human Services;
- 32 (2) Department of Health;
- 33 (3) Hawaii Association of Marriage and Family Therapists;
- 34 (4) Family Law Section of the Hawaii State Bar  
35 Association;
- 36 (5) National Association of Social Workers, Hawaii  
37 Chapter;
- 38
- 39
- 40
- 41
- 42



- 1 (6) Children's Rights Council of Hawaii;
- 2
- 3 (7) Hawaii Coalition for Dads;
- 4
- 5 (8) Legal Aid Society of Hawaii;
- 6
- 7 (9) Volunteer Legal Services Hawaii;
- 8
- 9 (10) Hawaii State Coalition Against Domestic Violence;
- 10
- 11 (11) Domestic Violence Clearinghouse and Legal Hotline;
- 12
- 13 (12) Mediation Center of the Pacific;
- 14
- 15 (13) EPIC Ohana Conferencing; and
- 16
- 17 (14) Hawaii Psychological Association;

18  
19 and

20  
21 BE IT FURTHER RESOLVED that the Task Force submit an  
22 interim report, including any proposed legislation, no later  
23 than 20 days prior to the convening of the Regular Session of  
24 2008, and submit a final report, including any proposed  
25 legislation, no later than 20 days prior to the convening of the  
26 Regular Session of 2009; and

27  
28 BE IT FURTHER RESOLVED that certified copies of this  
29 Concurrent Resolution be transmitted to the:

- 30
- 31 (1) Director of Human Services;
- 32
- 33 (2) Director of Health;
- 34
- 35 (3) President of the Board of Directors of the Hawaii  
36 Association of Marriage and Family Therapists;
- 37
- 38 (4) Chair of the Family Law Section of the Hawaii State  
39 Bar Association;
- 40
- 41 (5) President of the Hawaii State Bar Association;
- 42
- 43 (6) Executive Director of the Hawaii Chapter of the  
44 National Association of Social Workers;



- 1 (7) President of the Children's Rights Council of Hawaii;
- 2
- 3 (8) President of the Hawaii Coalition for Dads;
- 4
- 5 (9) President of the Legal Aid Society of Hawaii;
- 6 (10) Executive Director of Volunteer Legal Services Hawaii;
- 7
- 8 (11) Executive Director of the Hawaii State Coalition
- 9 Against Domestic Violence;
- 10
- 11 (12) Executive Director of the Domestic Violence
- 12 Clearinghouse and Legal Hotline;
- 13
- 14 (13) President of the Board of Directors of the Mediation
- 15 Center of the Pacific;
- 16
- 17 (14) Director of EPIC Ohana Conferencing;
- 18
- 19 (15) President of the Hawaii Psychological Association; and
- 20
- 21 (16) Senior Judge of the Family Court of all circuits.

