

MAR 14 2007

SENATE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO CONVENE A TASK FORCE TO CONSIDER
AMENDING CURRENT CHILD CUSTODY AND VISITATION CRITERIA AND
PROCEDURES TO SPECIFY WHAT THE FAMILY COURT SHALL CONSIDER
WHEN DETERMINING THE BEST INTERESTS OF THE CHILD.

1 WHEREAS, in the 2006 Regular Session, the Senate and the
2 House of Representatives adopted Senate Concurrent Resolution
3 No. 52, S.D. 1, authorizing the Committees on Human Services of
4 the Senate and the House of Representatives to convene interim
5 hearings on the use of legal interventions available to the
6 Family Court; and

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

12
13 WHEREAS, after hours of hard work and meetings, the Best
14 Interests of the Child Committee submitted its findings and
15 recommendations to the Committees on Human Services of the
16 Senate and the House of Representatives, regarding the possible
17 amendment of current child custody and visitation criteria and
18 procedures to specify what the Family Court shall consider when
19 determining the best interests of the child; and

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21 WHEREAS, it was recommended that when determining what
22 constitutes the best interests of the child under section
23 571-46, Hawaii Revised Statutes, the court consider, but not be
24 limited to:

- 25
26 (1) Any history of sexual or physical abuse of a child by
27 either parent;
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29 (2) Any history of neglect or emotional abuse of the child
30 by either parent;
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- 1 (3) The overall quality of the parent-child relationship;
- 2
- 3 (4) The parents' history of shared parenting before,
- 4 during, and after their separation;
- 5
- 6 (5) A parent's new partner's contribution to the parenting
- 7 of the child;
- 8
- 9 (6) The parents' affection for the child;
- 10
- 11 (7) The willingness of each parent to allow the child to
- 12 maintain contact with the other parent;
- 13
- 14 (8) The parents' cooperation in developing and
- 15 implementing a plan to meet the child's schedule,
- 16 needs, and interests;
- 17
- 18 (9) The physical health needs of the child;
- 19
- 20 (10) The emotional needs of the child;
- 21
- 22 (11) Any fears the child has about the current family
- 23 situation;
- 24
- 25 (12) The educational needs of the child;
- 26
- 27 (13) The child's affection for each parent;
- 28
- 29 (14) Preservation of assets so a parent can financially
- 30 provide for the child following the issuance of the
- 31 divorce decree;
- 32
- 33 (15) Each parent's support of teaching the child
- 34 age-appropriate life skills;
- 35
- 36 (16) The child's views and preferences;
- 37
- 38 (17) The child's need for relationship with sibling(s);
- 39
- 40 (18) Each parent's ability to provide an age-appropriate
- 41 safe environment for the child;
- 42



- 1 (19) Each parent's willingness to allow the child to
2 maintain family connections through family events and
3 activities;
- 4
- 5 (20) Each parent's ability to separate the child's needs
6 from their own;
- 7
- 8 (21) Any drug or alcohol abuse by either of the parents;
- 9
- 10 (22) The mental health and psychological adjustment of each
11 parent;
- 12
- 13 (23) Each parent's willingness to protect the child from
14 inter-parental conflict; and
- 15
- 16 (24) A parent's criminal history, where the parent has been
17 convicted of or has entered a plea of no contest to
18 crimes that would pose a threat to the child; and
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20 WHEREAS, the Judiciary should convene a task force to
21 consider amending current child custody and visitation criteria
22 and procedures to specify what the Family Court shall consider
23 when determining the best interests of the child; and

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25 WHEREAS, the task force should consider the recommendations
26 made by the Best Interest of the Child Committee; now,
27 therefore,

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29 BE IT RESOLVED by the Senate of the Twenty-fourth
30 Legislature of the State of Hawaii, Regular Session of 2007, the
31 House of Representatives concurring, that the Judiciary is
32 requested to convene a task force to consider amending current
33 child custody and visitation criteria and procedures to specify
34 what the Family Court shall consider when determining the best
35 interests of the child; and

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37 BE IT FURTHER RESOLVED that the task force should include
38 at least one representative of the Judiciary, the legal
39 community, a children's advocacy organization, a social work
40 organization, a children's violence organization, an
41 organization representing the interests of petitioners, and an
42 organization representing the interests of respondents; and

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S.C.R. NO. 215

1 BE IT FURTHER RESOLVED that the task force is requested to
 2 consider the recommendations made by the Best Interest of the
 3 Child Committee formed pursuant to S.C.R. No. 52, S.D. 1 (2006);
 4 and

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 6 BE IT FURTHER RESOLVED that the task force is requested to
 7 submit a report, including any recommendations for legislation,
 8 to the Legislature no later than twenty days prior to the
 9 convening of the Regular Session of 2008; and

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 11 BE IT FURTHER RESOLVED that a certified copy of this
 12 Concurrent Resolution be transmitted to the Chief Justice.

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OFFERED BY: Stevanne Chiu Oakland

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for sharing
Numer SalComps
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