

MAR 14 2007

SENATE 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

20
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;
31
32 (3) The overall quality of the parent-child relationship;
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- 1 (4) The parents' history of shared parenting before,
2 during, and after their separation;
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- 4 (5) A parent's new partner's contribution to the parenting
5 of the child;
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- 7 (6) The parents' affection for the child;
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- 9 (7) The willingness of each parent to allow the child to
10 maintain contact with the other parent;
- 11
- 12 (8) The parents' cooperation in developing and
13 implementing a plan to meet the child's schedule,
14 needs, and interests;
- 15
- 16 (9) The physical health needs of the child;
- 17
- 18 (10) The emotional needs of the child;
- 19
- 20 (11) Any fears the child has about the current family
21 situation;
- 22
- 23 (12) The educational needs of the child;
- 24
- 25 (13) The child's affection for each parent;
- 26
- 27 (14) Preservation of assets so a parent can financially
28 provide for the child following the issuance of the
29 divorce decree;
- 30
- 31 (15) Each parent's support of teaching the child
32 age-appropriate life skills;
- 33
- 34 (16) The child's views and preferences;
- 35
- 36 (17) The child's need for relationship with sibling(s);
- 37
- 38 (18) Each parent's ability to provide an age-appropriate
39 safe environment for the child;
- 40
- 41 (19) Each parent's willingness to allow the child to
42 maintain family connections through family events and
43 activities;
- 44



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

20
21 WHEREAS, the task force should consider the recommendations
22 made by the Best Interest of the Child Committee; now,
23 therefore,

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25 BE IT RESOLVED by the Senate of the Twenty-fourth
26 Legislature of the State of Hawaii, Regular Session of 2007,
27 that the Judiciary is requested to convene a task force to
28 consider amending current child custody and visitation criteria
29 and procedures to specify what the Family Court shall consider
30 when determining the best interests of the child; and

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32 BE IT FURTHER RESOLVED that the task force should include
33 at least one representative of the Judiciary, the legal
34 community, a children's advocacy organization, a social work
35 organization, a children's violence organization, an
36 organization representing the interests of petitioners, and an
37 organization representing the interests of respondents; and

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



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

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6 BE IT FURTHER RESOLVED that a certified copy of this
7 Resolution be transmitted to the Chief Justice.
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OFFERED BY: Theranne Chun Oakland

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