STAND. COM. REP. NO. 410 -08

Honolulu, Hawaii

Feb 14, 2008

RE: H.B. No. 2042

H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Human Services & Housing, to which was referred H.B. No. 2042 entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURT,"

begs leave to report as follows:

The purpose of this bill is to guide the courts when awarding custody and visitation rights in disputes over a minor child. This bill clarifies the existing standards followed by the courts by providing 16 criteria to help determine what constitutes the best interest of the child.

Several individuals testified in support of this bill. Hawaii State Coalition Against Domestic Violence, VOICES, and an individual supported this bill with amendments.

Shared or joint custody and visitation can prove dangerous when there is a history of domestic violence in a relationship. Some believe that perpetrators of family violence often use visitation and custody to be violent to the victim. Accordingly, your Committee has amended this bill by specifying that the criteria regarding the cooperation of both parents in developing a plan to meet the child's interest may be excluded if the court determines that family violence has been committed by a parent. Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2042, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2042, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Human Services & Housing,

MAILE SHIMABUKURO, Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature

JISCR 410-08

Record of Votes of the Committee on Human Services & Housing

Bill/Resolution No.: Committee HB 2042 HSH	e Referral:	Date	1/31/0	8
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: □ Pass, unamended (as is) Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)				
HSH Members	Ayes	Ayes (WR)	Nays	Excused
1. SHIMABUKURO, Maile S. L. (C)	X			
2. PHOADS Keel (VC)				The second state of the
2. RHOADS, Karl (VC)				
3. AWANA, Karen Leinani	X			
4. BELATTI, Della Au	X			
5. BERTRAM, Joe, III		K E PER SE LE POPULATION		X
			1.4	
6. CABANILLA, Rida T.R.	X			
7. GREEN, Josh, M.D.	V			
7. GREEN, Josii, Ind.				
8. MIZUNO, John	X			
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9. TOKIOKA, James Kunane			Installation services	
10. WARD, Gene, Ph.D.				X
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TOTAL (10)	S	0	0	2
The recommendation is: Adopted If joint referral, did not support recommendation. Committee acronym(s) Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				