STAND. COM. REP. NO. 683 -10

Honolulu, Hawaii

H.C.R. No. 81 RE:

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2010 State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.C.R. No. 81 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING AN AUDIT OF CHILD CUSTODY PROCEEDINGS INVOLVING THE COMMISSION OF FAMILY VIOLENCE BY A PARENT, TO ASSESS THE USE AND APPLICATION OF SECTION 571-46, HAWAII REVISED STATUTES,"

begs leave to report as follows:

The purpose of this concurrent resolution is to request an audit of the child custody proceedings involving the Commission of Family Violence by a Parent, to assess the use and application of Section 571-46, Hawaii Revised Statues.

Testimony in support of this concurrent resolution was submitted by the Angel Group, Hawaii Children's Rights Council, and two concerned individuals.

The Hawaii State Bar Association testified in opposition to this concurrent resolution.

Comments were offered by the Hawaii State Judiciary.

Your Committee recognizes that domestic violence can take many forms, but the most damaging form is psychological abuse. This form of domestic violence rarely, if ever, shows any traces of evidence of its occurrence. It is also noted that victims of domestic violence are encouraged to end abusive relationships. But, as a consequence of the termination of those kinds of

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relationships, both child custody and visitation rights frequently become disputed issues. This litigation of child custody and visitation disputes often provide an ongoing means for the perpetrators to continue their abuse.

Accordingly, Your Committee notes that section 571-46(a)(9)-(14), Hawaii Revised Statutes addresses the problems of family violence in child custody disputes. It has also come to Your Committee's attention that Family Court judges may not be correctly applying, using, or enforcing Section 571-46(a)(9)-(14), Hawaii Revised Statutes.

Therefore, Your Committee recommends that the State Auditor undertake an audit of all child custody proceedings, as stated in this concurrent resolution.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 81 and recommends that it be referred to the Committee on Judiciary.

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

JOHN M. MIZUNO, Chair

State of Hawaii House of Representatives The Twenty-fifth Legislature

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Record of Votes of the Committee on Human Services

Bill/Resolution No.: HCR 81	Committee Refer	Date:	3. 8. 10		
☐ 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)					
HUS Members		Ayes Ayes	s (WR)	Nays	Excused
1. MIZUNO, John M. (C)					
2. BROWER, Tom (VC)					
3. BELATTI, Della Au					
4. BERTRAM, Joe, III					
5. CARROLL, Mele					
6. NISHIMOTO, Scott Y.			""		
7. SHIMABUKURO, Maile S.L.					
8. YAMANE, Ryan I.					
9. WARD, Gene					
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TOTAL (9)		0)	0	3
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 Duplicate (Pink) – HMSO					