CONFERENCE COMMITTEE REP. NO.

Honolulu, Hawaii April 2.8, 2011 RE: H.B. No. 616 H.D. 2 S.D. 2 C.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 616, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHILD CUSTODY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to, among other things:

- Clarify that awards of visitation rights to parents may include visitation by electronic communication;
- (2) Establish factors that the court shall consider in awarding visitation by electronic communication; and
- (3) Authorize courts to set guidelines for visitation by electronic communication, including supervision as ordered by the court.



Your Committee on Conference has amended this bill by, among other things:

- Generally incorporating its provisions in section 571-46, Hawaii Revised Statutes, relating to the criteria and procedure in awarding custody and visitation and the best interest of the child;
- (2) Requiring the court in its determination to award visitation by electronic communication to consider:
 - (A) The potential for abuse or misuse of the electronic communication; and
 - (B) Whether adequate provision can be made for the physical safety and psychological well-being of the child and for the safety of the custodial parent;
- (3) Prohibiting visitation by electronic communication to replace or substitute an award of custody or physical visitation except where physical visitation may subject the child to physical or extreme psychological harm, among other exceptions;
- (4) Changing its effective date to July 1, 2011; and
- (5) Making technical, nonsubstantive amendments for consistency, clarity, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 616, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 616, H.D. 2, S.D. 2, C.D. 1.

HB616 CD1 HCCR HMS 2011-3985

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CONFERENCE COMMITTEE REP. NO. 73 Page 3

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

Snoanne China Oakland SUZANNE CHUN OAKLAND, Chair

CLAYTON HEE, Co-Chair

M. MIZUNO, JOHN Co

BLA Κ. OSHIRO, Co-Chair

HB616 CD1 HCCR HMS 2011-3985

Hawaii State Legislature

CCR 73

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 616, HD 2, SD 2					Date/Time: 4/28/11 1/2000				
The recommendation of the House and Senate managers is to pass with amendments (CD).									
The Committee is reconsidering its previous decision.									
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure				The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.					
Senate Managers	A	WR	Ν	E	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.					MIZUNO, John M., Co-Chr.	7	-		
HEE, Clayton, Co-Chr.	V				OSHIRO, Blake K., Co-Chr.	$\overline{\mathcal{V}}$			
SLOM, Sam				~	EVANS, Cindy	$\overline{\mathbf{V}}$	/		
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TOTAL	2	0	0	1	TOTAL	5	0	0	0
$\mathbf{A} = Aye \qquad \mathbf{W}\mathbf{R} = Aye \text{ with Reservations} \qquad \mathbf{N} = Nay \qquad \mathbf{E} = Excused$									
Senate Recommendation is: House Recommendation is:									
Adopted 🛛 Not Adopted				Adopted 🛛 N	ot Ado	opted			
Senate Lead Chair's or Designee's Signature: House Lead Chair's or Designee's Signature:									
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