

SB-130-SD-1

Submitted on: 3/23/2023 10:06:02 AM

Testimony for JHA on 3/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kent	Commission to Promote Uniform Laws	Oppose	Remotely Via Zoom

Comments:

Thank you for the opportunity to submit testimony in oppositio to SB 130, SD 1. Because the UCCJEA is a Uniform Law and I am one of Hawaii’s Uniform Law Commissioners, I am testifying on this bill. I support the intent of the bill, but this amendment is not consistent with the purposes of the UCCJEA. Perhaps the issue could be reconsidered, but not as an amendment to a uniform law.

Existing law, in the exception at Section 583A-105(c), permits a state to refuse to enforce a foreign custody decree if the child custody law of the foreign nation violates human rights. That exception seems to cover the concerns raised in the proposed amendment.

I am concerned that this amendment may have unintended negative consequences. If it is enacted, there is a risk that other nations might refuse to recognize decrees from American states because of religious or cultural differences.

As a uniform law commissioner, I see the benefits of continuity of statutes between the states. Amendments of uniform laws on a state-by-state basis does not promote uniformity of the law.

For these reasons, I ask the Committee to defer this bill.

JOSH B. GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA
MOKU'ĀINA 'O HAWAI'I



RICHARD RIES, Psy.D., M.Ed.
COUNCIL CHAIRPERSON
LUNA HO'OMALU O KA PAPA

STATE OF HAWAI'I
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
STATE COUNCIL ON MENTAL HEALTH
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HONOLULU, HAWAII 96801-3378

WRITTEN
TESTIMONY
ONLY

STATE COUNCIL ON MENTAL HEALTH
Testimony to the
House Committee on Judiciary and Hawaiian Affairs
in SUPPORT of S.B. 130 S.D. 1
RELATING TO THE UNIFORM CHILD-CUSTODY
JURISDICTION AND ENFORCEMENT ACT

Friday, March 24, 2023 at 2:00 p.m.

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Chair Tarnas, Vice-Chair Takayama, and Members of the Committee:

Hawaii law, HRS §334-10, establishes the State Council on Mental Health (SCMH) as a 21-member body to advise on the allocation of resources, statewide needs, and programs affecting more than one county as well as to advocate for adults with serious mental illness, children with serious emotional disturbances, individuals with mental illness or emotional problems, including those with co-occurring substance abuse disorders. Members are residents from diverse backgrounds representing mental health service providers and recipients, students and youth, parents, and family members. Members include representatives of state agencies on mental health, criminal justice, housing, Medicaid, social services, vocational rehabilitation, and education. Members include representatives from the Hawaii advisory commission on drug abuse and controlled substances and county service area boards on mental health and substance abuse.

EX-OFFICIO:

Marian Tsuji, Deputy Director
Behavioral Health Administration

SCMH members supports the intent of this measure to protect the well-being of children. It allows state courts not to enforce child custody law of a foreign country if the foreign country imposes capital punishment for reasons including apostasy, religious political belief or practice, and homosexuality.

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Thank you for the opportunity to testify. Should you have any questions, please contact us at DOH.SCMHChairperson@doh.hawaii.gov.

VISION : A Hawaii where people of all ages with mental health challenges can enjoy recovery in the community of their choice.

MISSION: To advocate for a Hawaii where all persons affected by mental illness can access necessary treatment and support to live full lives in the community of their choice.