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# A BILL FOR AN ACT

RELATING TO CHILD CUSTODY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the State faces  
2 significant challenges in providing timely and equitable child  
3 custody evaluations for families engaged in family court  
4 proceedings. Existing law authorizes certain mental health  
5 professionals with master's degree-level training to serve as  
6 child custody evaluators but does not extend this opportunity to  
7 licensed mental health counselors. Licensed mental health  
8 counselors possess equivalent graduate-level education,  
9 training, and clinical expertise as their peers who are already  
10 eligible to serve as child custody evaluators.

11           The legislature further finds that there is a high demand  
12 for child custody evaluations across the State, resulting in  
13 backlogs and extended wait times that delay critical decisions  
14 impacting children's health, safety, and well-being. The  
15 State's limited pool of qualified child custody evaluators  
16 exacerbates these delays, as courts frequently struggle to



1 secure professionals who are available to take on new cases  
2 promptly.

3 The legislature recognizes that child custody evaluations  
4 are highly complex and require specialized mental health  
5 training, clinical experience, and the ability to conduct  
6 thorough investigations and provide accurate, unbiased reports  
7 to the court. Licensed mental health counselors meet these  
8 professional standards and are well-equipped to provide these  
9 evaluations.

10 The legislature additionally finds that the State faces a  
11 severe shortage of mental health professionals overall. By  
12 excluding licensed mental health counselors from serving as  
13 child custody evaluators, existing law unnecessarily restricts a  
14 significant portion of the State's qualified workforce from  
15 contributing to this critical area of need. This artificial  
16 limitation on supply has also driven up the costs of child  
17 custody evaluations, making them prohibitively expensive for  
18 many families. These high costs can perpetuate inequities in  
19 family court proceedings, including situations where one parent  
20 may be unable to afford an evaluation, thereby placing them at a



1 disadvantage and potentially enabling patterns of financial or  
2 coercive abuse.

3 Accordingly, the purpose of this Act is to allow licensed  
4 mental health counselors to be appointed as child custody  
5 evaluators in the State, thereby expanding the pool of qualified  
6 professionals, reducing costs, alleviating delays, and ensuring  
7 families have greater access to timely and equitable child  
8 custody determinations.

9 SECTION 2. Section 571-46.4, Hawaii Revised Statutes, is  
10 amended by amending subsection (a) to read as follows:

11 "(a) Subject to subsection (c), a person may be appointed  
12 as a child custody evaluator for purposes of section 571-46 if  
13 the person is actively licensed as a:

14 (1) Marriage and family therapist under chapter 451J;

15 (2) Physician under chapter 453 and is a board certified  
16 psychiatrist or has completed a residency in  
17 psychiatry;

18 (3) Mental health counselor under chapter 453D;

19 [~~3~~] (4) Psychologist under chapter 465; or

20 [~~4~~] (5) Clinical social worker under section  
21 467E-7(a)(3)."



1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Judiciary; Family Court; Child Custody Evaluators; Licensed  
Mental Health Counselors

**Description:**

Allows licensed mental health counselors to be appointed as  
child custody evaluators. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

