

JAN 21 2026

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 (LMHCs). LMHCs possess
8 equivalent graduate-level education, training, and clinical
9 expertise as their peers who are already eligible to serve as
10 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. LMHCs meet these professional standards and are
8 well-equipped to provide these evaluations.

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



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

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

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

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

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

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

17 [~~(3)~~] (4) Psychologist under chapter 465; or

18 [~~(4)~~] (5) Clinical social worker under
19 section 467E-7(a)(3)."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 2026.

2

INTRODUCED BY:

DK



S.B. NO. 2090

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.

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