

Written Testimony of Kevin Faust
Hawai‘i State Senate Committee on Health and Human Services
In Support of Allowing Licensed Mental Health Counselors to Serve as Child Custody
Evaluators

SB2090 – Relating to Child Custody

January 30, 2026

Aloha e Members of the Committee,

My name is Kevin Faust, and I am a Licensed Mental Health Counselor (LMHC) on Big Island, working as a therapist and as the clinical director for Akahai Emotional Wellness, LLC. I submit this testimony in **strong support** of legislation that would allow **LMHCs** to be appointed as child custody evaluators for the State of Hawai‘i.

Child custody evaluations are among the most complex and sensitive determinations made within our legal system. These evaluations require advanced clinical judgment, a deep understanding of child development, family dynamics, trauma, and mental health diagnoses, as well as the ability to assess risk and make recommendations that prioritize the best interests of the child. Much like Licensed Clinical Social Workers (LCSWs) and Licensed Marriage and Family Therapists (LMFTs) who are already able to be child custody evaluators in Hawai‘i, LMHCs are also uniquely trained and qualified to perform this work.

LMHCs in Hawai‘i complete rigorous graduate-level education in counseling and clinical mental health, followed by thousands of hours of supervised clinical experience before they are even licensed. LMHCs training includes assessment, diagnosis, treatment planning, ethics, cultural competence, human development, and evidence-based theories and practices. These are skills that directly align with the core responsibilities of custody evaluators. Many LMHCs already work extensively with children and families involved in divorce, domestic violence, substance use, and high-conflict situations and relationships.

Personally, I not only have a master’s degree in Clinical Mental Health Counseling, but also have 2 undergraduate degrees in Human Development and Family Studies. I’ve been working as a psychotherapist in private practice for 8 years now, specializing in working with victims of abuse and domestic violence. I’m certified as a clinical trauma professional - level 2 (CCTP-II) and am a certified narcissistic abuse treatment clinician (NATC). Previous to my current position, I have experience working as a substance abuse counselor, in intensive in-home therapy with families, as an adjunct professor of Human Development and Family Studies at Penn State University, and I co-facilitated a group for abusive men who had been violent to their female partners. I’ve also interned and volunteered with a victim’s services organization for years, completing training in domestic violence and sexual assault advocacy. I am nationally board certified and I am licensed in Hawai‘i and Pennsylvania as a psychotherapist. I believe this experience and training should easily qualify me to be able to be appointed as a child custody evaluator.

Allowing LMHCs to serve as custody evaluators would **expand the pool of qualified professionals**, helping to reduce delays, backlogs, and costs of family court proceedings in Hawai‘i. Families experiencing custody disputes are often under significant emotional and financial strain. Increasing evaluator availability will promote timelier resolutions and will improve access to justice, particularly in rural and otherwise underserved communities.

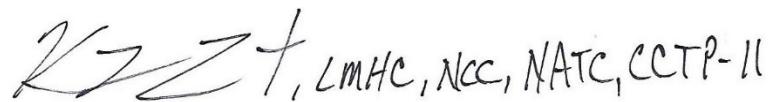
Importantly, this change would bring Hawai‘i in line with practices in most other states, territories, and countries around the world that already recognize LMHCs as qualified custody evaluators. This measure reflects an evidence-based, modern understanding of the mental health workforce and acknowledges the essential role LMHCs play in safeguarding child and family well-being.

This measure does not lower standards—it **raises capacity while maintaining professional accountability**. LMHCs are licensed, regulated, and bound by strict ethical codes and education requirements. With the passing of this measure, LMHCs can serve effectively and responsibly in this critical role. Hawai‘i currently has a severe shortage of mental health professionals. If we are not including LMHCs as qualified child custody evaluators, we are excluding more than one thousand qualified individuals from this position.

For these reasons, I respectfully urge the Committee to **support this measure** and take an important step toward strengthening Hawai‘i’s family court system and protecting the best interests of our keiki.

Mahalo for the opportunity to provide testimony and for your commitment to the health and well-being of Hawai‘i’s families.

Respectfully,

A handwritten signature in black ink, appearing to read "K. Faust, LMHC, NCC, NATC, CCTP-II".

Kevin Faust, LMHC, LPC, NCC, NATC, CCTP-II
Psychotherapist and Clinical Director at Akahai Emotional Wellness, LLC
Hilo, Hawai‘i

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TESTIMONY IN SUPPORT OF SB2090
RELATING TO CHILD CUSTODY

Senate Committee on Health and Human Services
Hawai‘i State Capitol

January 30, 2026

3:00 PM

Room 224

Dear Chair San Buenaventura, Vice Chair McKelvey, and Members of the Senate Committee on Health and Human Services:

The Office of Hawaiian Affairs (OHA) **SUPPORTS SB2090** which authorizes licensed mental health counselors (LMHCs) to serve as court-appointed child custody evaluators. This measure expands the pool of qualified professionals available to conduct custody evaluations, helping to address evaluator shortages, reduce delays, and improve access to timely, trauma-informed assessments in family court proceedings.

The need for timely and accessible evaluations is especially important given that Native Hawaiian keiki are significantly overrepresented in the child welfare system relative to their share of the youth population.¹ This overrepresentation reflects the continuing impacts of historical injustice, systemic poverty, housing insecurity, and intergenerational trauma. Prolonged court processes and limited access to qualified evaluators compound these harms, increasing the likelihood of extended separation from 'ohana, culture, and community.

LMHCs are trained to assess mental health, family dynamics, and trauma, competencies that are directly relevant to child custody evaluations. Expanding eligibility to include LMHCs supports more timely, culturally responsive, and child-centered decision-making, particularly for 'ohana navigating complex social and economic challenges.

SB2090 represents a practical step toward strengthening family court processes and promoting equitable outcomes for keiki and 'ohana across Hawai‘i. For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS SB2090**. Mahalo nui for the opportunity to provide testimony on this important measure.

¹ Seanna Pieper-Jordan. "Hidden data: the untold story of Native Hawaiian children in foster care." Hawai‘i Appleseed Center for Law and Economic Justice. (April 7, 2024). <https://hiappleseed.org/blog/hidden-data-the-untold-story-of-native-hawaiian-children-in-foster-care>