



OFFICE OF HAWAIIAN AFFAIRS

TESTIMONY IN SUPPORT OF HOUSE BILL 1705 HD1
RELATING TO CHILD CUSTODY

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana
Hawai‘i
(House Committee on Judiciary & Hawaiian Affairs)
Hawai‘i State Capitol

Pepeluali 25, 2026

2:00 PM

Lumi 325

Aloha e Chair Tarnas, Vice Chair Poepoe, a me Members of Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i:

The Office of Hawaiian Affairs (OHA) **SUPPORTS HB1705 HD1** 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.

Child custody evaluations play a critical role in assisting the court in determining the best interests of the child. Expanding eligibility to include LMHCs increases the pool of qualified professionals available to conduct these evaluations, helping to reduce backlogs, shorten wait times, and improve access to timely, trauma-informed assessments for families navigating custody disputes. While this measure applies to custody matters within the family court context, not to proceedings under the Child Protective Act, timely custody evaluations remain deeply consequential for keiki and ‘ohana. Prolonged delays can intensify family conflict, extend instability, and increase stress on children during already difficult transitions. Ensuring adequate evaluator capacity promotes more efficient court processes and supports child-centered decision-making grounded in professional mental health expertise.

LMHC’s possess graduate-level education, clinical training, and experience in assessing trauma, family dynamics, and child development. Authorizing LMHCs to serve as custody evaluators recognizes their qualifications and reflects the realities of Hawai‘i’s broader mental health workforce shortage. It also has the potential to reduce costs associated with evaluations, which can otherwise create inequities in family court proceedings when one party cannot afford the process. HB1705 HD1 represents a practical and measured step toward strengthening family court operations and ensuring that families have timely access to qualified evaluators. For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS HB1705 HD1**. Mahalo nui for the opportunity to provide testimony on this important measure.

HB-1705-HD-1

Submitted on: 2/24/2026 1:08:59 PM

Testimony for JHA on 2/25/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shelby "Pikachu" Billionaire	Kingdom of The Hawaiian Islands & Ohana Unity Party	Support	Remotely Via Zoom

Comments:

****Testimony in STRONG Support of HB1705 HD1****

Aloha Chair and Members of the Committee,

Mahalo for the opportunity to testify in ****STRONG SUPPORT**** of ****HB1705 HD1****.

This bill amends HRS §571-46.4(a) to expand eligibility for child custody evaluators by adding ****licensed mental health counselors**** (under chapter 453D) to the list of qualified professionals. It addresses critical backlogs, high costs, and inequities in family court proceedings that disproportionately affect Native Hawaiian families and low-income ‘ohana.

Key Provisions of HB1705 HD1

- ****Expanded Eligibility List****: A person may be appointed as a child custody evaluator if actively licensed as a: - Marriage and family therapist (chapter 451J) - Physician/board-certified psychiatrist or residency in psychiatry (chapter 453)

- ****Mental health counselor**** (chapter 453D) – ****new addition**** - Psychologist (chapter 465) - Clinical social worker (section 467E-7(a)(3)) -

****Legislative Findings & Purpose****:

The State faces significant challenges in timely/equitable child custody evaluations: backlogs, extended wait times, and a limited pool of evaluators. Existing law excludes licensed mental health counselors despite equivalent graduate-level education, training, and clinical expertise. This exclusion drives up costs (perpetuating financial inequities or coercive abuse) and delays decisions impacting children's well-being.

- ****Effective Date****: July 1, 3000 (placeholder; standard implementation).

Why This Bill Must Pass – Stats & Realities in Hawai‘i Child custody evaluations are essential for informed, best-interest decisions in contested cases, but shortages create harm—especially for Native Hawaiian and low-income families facing higher rates of family court involvement due to systemic inequities.

- **Backlog & Delay Crisis**: Hawai'i family courts face chronic shortages of qualified evaluators, leading to wait times of **6–18 months** or longer for evaluations (common in contested custody cases). This prolongs uncertainty for children, increasing emotional trauma and instability.

- **Cost Barriers**: Private evaluations can cost **\$5,000–\$15,000+** per case; limited public options exacerbate inequities. Low-income families (disproportionately Native Hawaiian) often cannot afford them, leading to default judgments or coercive outcomes.

- **Native Hawaiian Disparities**: Native Hawaiians represent **~25–30%** of Hawai'i's population but face higher involvement in child welfare/family court systems due to socioeconomic factors, historical trauma, and cultural misunderstandings. Delays in evaluations can disrupt 'ohana stability, cultural continuity, and keiki well-being.

- **Workforce Shortage Solution**: Licensed mental health counselors (chapter 453D) number in the **hundreds** statewide and hold master's-level training equivalent to eligible professions (e.g., LMFTs, LCSWs). Including them expands the pool by **20–40%** (based on licensing data trends), reducing wait times, costs, and inequities without lowering standards.

- **Child-Centered Impact**: Prolonged custody disputes correlate with higher rates of anxiety, depression, and behavioral issues in children. Faster, accessible evaluations prioritize keiki best interests and support family reunification or safe resolutions. I have testified strongly on bills protecting families and vulnerable groups this session (e.g., HB1963 image-based abuse, HB1628 compassionate release, OHA package for cultural/health equity). HB1705 HD1 promotes equity, reduces delays, and ensures timely, culturally sensitive evaluations—especially vital for Native Hawaiian 'ohana navigating family court.

Pass HB1705 HD1 without weakening amendments. Let us expand access to justice for our keiki and families with pono and aloha.

Mahalo nui loa for your kuleana. Imua!

Respectfully submitted, Pikachu Shelby “Pikachu” Billionaire HRM

Kingdom of The Hawaiian Islands H.I.

Ohana Unity Party, Chairman