

JAN 19 2007

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# A BILL FOR AN ACT

RELATING TO FAMILY COURT.

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

1           SECTION 1. Senate Concurrent Resolution No. 52, S.D. 1  
2           (2006), authorized the committees on human services of the  
3           senate and the house of representatives to convene interim  
4           hearings on the use of legal interventions available to the  
5           family court. During the course of the interim hearings, four  
6           committees were formed relating to family court models, family  
7           court sunshine and accountability, temporary restraining orders,  
8           and the best interests of the child. The family court models  
9           committee was comprised of individual members of the public and  
10          representatives of the department of health, department of human  
11          services, Legal Aid Society of Hawaii, Hawaii State Coalition  
12          Against Domestic Violence, Breaking-the-Silence, American Civil  
13          Liberties Union of Hawaii, Hawaii Association for Marriage and  
14          Family Therapy, and Children's Rights Council.

15           After hours of hard work and meetings, the family court  
16          models committee recommended that:



- 1           (1) A process, known as the family court parenting plan  
2                    model, should exist to assist parents to develop a  
3                    parenting plan without and prior to family court  
4                    intervention;
- 5           (2) Child custody matters involving domestic violence  
6                    should be exempt from the process and should be  
7                    screened out at any time in addition to an initial  
8                    screening before participation in the process;
- 9           (3) After the screening for domestic violence, parents  
10                   should participate in an expanded version of Kids  
11                   First that includes:
- 12                   (A) Education about parenting after divorce;
- 13                   (B) Education about parenting roles within one home  
14                   and across homes;
- 15                   (C) Optional advanced parenting education;
- 16                   (D) An opportunity for children to provide their  
17                   activities schedules;
- 18                   (E) An introduction to the concept of a parenting  
19                   plan; and
- 20                   (F) An overview of divorce and paternity procedures;
- 21           (4) If the parents are unable to develop a parenting plan  
22                   after participation in the expanded version of Kids



1 First, the parents should meet with a trained  
2 parenting plan facilitator for a series of  
3 facilitations, if necessary, to assist them to develop  
4 a parenting plan;

5 (5) The trained parenting plan facilitator should be able  
6 to make confidential recommendations for services to  
7 either parent at any time in the process;

8 (6) The process should be confidential, non-adversarial,  
9 without the presence of attorneys, and the parents  
10 should have the same trained parenting plan  
11 facilitator throughout the process; and

12 (7) If after participating in the process the parents  
13 still cannot develop a parenting plan, they should  
14 proceed to family court with any agreed upon issues  
15 standing and for resolution of the outstanding issues.

16 The family court models committee also recommended that  
17 parents have the same judge throughout their child custody  
18 proceedings. The goal is to help parents develop parenting  
19 plans in a non-adversarial way and to avoid contentious child  
20 custody litigation for the sake of the children.

21 The legislature finds that a pilot program should be  
22 implemented in the first circuit family court based on the



1 family court parenting plan model developed by the family court  
2 models committee. The judiciary should contract with an  
3 external agency to pilot the program through a request for  
4 proposal. The legislature further finds that parents'  
5 participation in the pilot program should be voluntary, the  
6 initial number of participants in the pilot program should be  
7 limited, and the pilot program should be evaluated and modified,  
8 if necessary, before considering implementation on a mandatory  
9 basis.

10 SECTION 2. The judiciary shall contract the services of a  
11 health and human services provider to establish a family court  
12 parenting plan model pilot program in the first circuit family  
13 court. The contract shall be executed in accordance with  
14 chapter 103F, Hawaii Revised Statutes.

15 The agency contracted by the judiciary to establish the  
16 pilot program shall submit an interim report, including any  
17 proposed legislation, to the legislature no later than twenty  
18 days prior to the convening of the 2008 regular session, and a  
19 final report, including any proposed legislation, to the  
20 legislature no later than twenty days prior to the convening of  
21 the 2009 regular session.



1 SECTION 3. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$225,000, or so much  
3 thereof as may be necessary for fiscal year 2007-2008, and the  
4 same sum, or so much thereof as may be necessary for fiscal year  
5 2008-2009, for the judiciary to implement a pilot program in the  
6 first circuit family court based on the family court parenting  
7 plan model developed by the family court models committee.

8 The sums appropriated shall be expended by the judiciary  
9 for the purposes of this Act.

10 SECTION 4. This Act shall take effect on July 1, 2007.

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INTRODUCED BY: Suzanne Chun Oakland  
Carol Fukunaga



**Report Title:**

Family Court; Family Court Parenting Plan Model Pilot Program

**Description:**

Appropriates funds to the Judiciary to implement the Family Court Parenting Plan Model as a pilot program on Oahu.

