

STAND. COM. REP. NO.

371

Honolulu, Hawaii

FEB 18 2011

RE: S.B. No. 957
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 957 entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURT,"

begs leave to report as follows:

The purpose and intent of this measure is to create a
Citizen's Family Law Advisory Committee to assist the Judiciary
and the Legislature in improving the Family Court.

Your Committee received testimony in support of this measure
from AngelGroup and eight individuals. Your Committee received
testimony in opposition to this measure from the Judiciary and
Hawaii State Bar Association Family Law Section.

Your Committee finds that significant barriers to justice
exist within Hawaii's Family Court system. Your Committee further
finds that a Citizen's Family Law Advisory Committee will provide
within the Judiciary an ongoing and necessary means by which
Judiciary personnel, Family Court professionals, related service
providers, and the public can participate in and provide feedback
about the Family Court and family law matters.

Your Committee has heard the concerns regarding the inclusion
of a representative on the Citizen's Family Law Advisory Committee
who is or was a party in a Family Court action. Your Committee
notes that the Citizen's Family Law Advisory Committee already
includes representation from a community layperson. Accordingly,



your Committee believes that it is not necessary to include a representative who is or was a party in a Family Court action.

Your Committee has also heard testimony concerning the enumerated functions of the Citizen's Family Law Advisory Committee and the separation of powers. Your Committee recognizes that while the Legislature may create advisory committees to advise the Legislature about possible legislative acts and policies, similar committees cannot serve a comparable role within the Judiciary, which decides individual court matters on the basis of evidence and law.

Your Committee also notes that the Citizen's Family Law Advisory Committee would be empowered by this measure to conduct inquiries and studies, review legislation, evaluate alternatives, and make recommendations. Your Committee understands that there is a possibility that these functions may infringe on the Family Court's constitutionally mandated independence.

Your Committee has amended this measure by:

- (1) Deleting the provision that would have included a representative on the Citizen's Family Law Advisory Committee who is or was a party in a Family Court action;
- (2) Inserting an effective date of July 1, 2050, to allow for further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 957, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 957, S.D. 1, and be referred to the Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 957	Committee Referral: JDL, JAM	Date: 2/15/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike				✓
IHARA, Jr., Les				✓
SLOM, Sam	✓			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes