

STAND. COM. REP. NO.

693

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 828

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 828 entitled:

"A BILL FOR AN ACT RELATING TO DIVORCE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Grant exclusive original jurisdiction in matters of annulment, divorce, and separation and other certain cases to the Family Court of the circuit in which an applicant is domiciled at the time the application is filed, rather than require the applicant to have been domiciled or physically present in the State for a continuous period of at least three months before filing for such matters; and
- (2) Repeal the requirement that a person be domiciled or physically present in the State for a continuous period of at least six months before completing a divorce.

Your Committee received testimony in support of this measure from the Domestic Violence Action Center; Planned Parenthood Votes Northwest and Hawaii; American Association of University Women of Hawaii; Farrell & Perrault, LLC; Hawai'i State Coalition Against Domestic Violence; and Hawai'i Women's Coalition. Your Committee received comments on this measure from the Judiciary.



Your Committee finds that existing law often places unnecessary burdens on persons seeking divorce. In some instances, the Family Court may have jurisdiction to initiate a divorce but then lose jurisdiction prior to the completion of the divorce. Your Committee further finds that in cases of domestic violence, waiting three months to file for divorce may be particularly burdensome. During the waiting period, victims of domestic violence are forced to endure the psychological distress of knowing that their abuser is legally recognized as their spouse. Possible abuse victims may fear for their safety when the State requires prolonging a legal relationship. Additionally, sustained legal recognition of the marriage carries certain financial and other obligations and requirements, such as health insurance coverage payments, that abuse victims should not have to maintain.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 828 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



