JAN 1 9 2007

A BILL FOR AN ACT

RELATING TO FAMILY COURT.

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

1 SECTION 1. This Act creates a citizen's family law advisory committee, which will assist the judiciary and the 2 legislature in continuing to improve family court, by requiring 3 the advisory committee to make findings and evaluate 4 alternatives and recommendations through a process that includes 5 sunshine requirements, including public participation and notice 6 of meetings. The intent of this Act is to create an ongoing 7 process within the judiciary by which judiciary personnel, 8 family court professionals, related service providers, and the 9 10 public can participate in and provide feedback about the family court and family law matters, which follows the sunshine law 11 principles in chapter 92, Hawaii Revised Statutes. 12 13 SECTION 2. Chapter 571, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated 14 and to read as follows: 15

16 "<u>\$571-</u> <u>Citizen's family law advisory committee</u>. (a)
17 There is established within the judiciary, for administrative



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1	purposes,	a citizen's family law advisory committee. The chief
2	justice o	f the supreme court shall appoint members to the
3	advisory	committee, which will serve in an advisory capacity
4	only. Th	e advisory committee shall give continuing
5	considera	tion to all aspects of the administration of justice in
6	the famil	y court and may further assist the family court at the
7	family co	urt's discretion.
8	(b)	The advisory committee shall:
9	(1)	Gather input and information regarding family law and
10		family court issues or complaints;
11	(2)	Conduct studies, evaluations, or surveys related to
12		family law and family court issues;
13	(3)	Review legislation relating to family law and family
14		court issues; and
15	(4)	Make findings and evaluate alternatives relating to
16		family law and family court issues.
17	<u>(c)</u>	The members of the advisory committee shall select a
18	chairpers	on, vice-chair, and secretary-treasurer from its
19	membershi	p, each for a term of one year.
20	(d)	The chief justice shall appoint no less than eleven
21	and no mc	ore than fifteen members to the advisory committee;

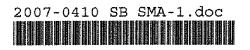


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1	provided	that the advisory committee shall include among its
2	members a	representative from each of the following:
3	(1)	Community laypersons;
4	(2)	Persons who are or were parties in a family court
5		action including self-represented individuals, if
6		available;
7	(3)	Judges;
8	(4)	Family court administrator or designee;
9	(5)	Attorneys, family law practitioners, or legal services
10		providers;
11	(6)	Family and children service providers; and
12	(7)	Mental health professionals, guardians, or expert
13		witnesses.
14	<u>In appoint</u>	ing members from the above criteria, the chief justice
15	shall inc	lude a representative from each judicial circuit.
16	<u>(e)</u>	At all times, there shall be a minimum of four members
17	on the adv	visory committee who are not otherwise affiliated with
18	or employe	ed by the judiciary or the Hawaii State Bar
19	Associatio	on.
20	<u>(f)</u>	Members shall serve for terms of four years and shall
21	be limited	d to serving two consecutive terms; provided that



1	members may be reappointed for additional terms after a break in
2	service for at least one four-year term.
3	(g) Members of the advisory committee shall serve without
4	compensation for their services but shall be reimbursed for
5	reasonable expenses, including travel or other expenses
6	incidental to their service on the advisory committee.
7	(h) The advisory committee shall meet at a stated time to
8	be fixed by its members, but no less than nine times every
9	twelve months.
10	(i) Every meeting of the advisory committee shall be open
11	to the public and all persons shall be permitted to attend any
12	meeting unless otherwise provided by this section; provided that
13	the advisory committee may remove any person who wilfully
14	disrupts a meeting to prevent or compromise the conduct of the
15	meeting. Seven members shall constitute a quorum of the
16	advisory committee. For purposes of this section, meeting means
17	the convening of the advisory committee for which a quorum is
18	required in order to make a decision or deliberate towards a
19	decision upon a matter over which the advisory committee has
20	advisory power.
21	(j) The advisory committee may hold a meeting by
22	videoconference and any member participating in a meeting by
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1	videoconf	erence shall be considered present at the meeting for
2	purposes	of determining compliance with the quorum requirements
3	of the ad	visory committee.
4	<u>(k)</u>	The advisory committee shall afford all interested
5	persons a	n opportunity to present oral or written testimony on
6	any item	on the agenda. The advisory committee may provide for
7	reasonabl	e admission of oral testimony by rule.
8	(1)	The advisory committee may hold hearings closed to the
9	public up	on an affirmative vote taken at an open meeting of two-
10	thirds of	the members present, for one or more of the following
11	reasons:	
12	(1)	To consider matters affecting the significant privacy
13		considerations of a specific individual or case in
14		family court; provided that if the individual
15		concerned requests an open meeting, an open meeting
16		shall be held;
17	(2)	To consult with the advisory committee's attorney that
18		shall be furnished by the chief justice to the
19		advisory committee on questions and issues pertaining
20		to the advisory committee's powers, duties,
21		privileges, immunities, and liabilities;



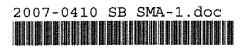
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1	(3)	To consider sensitive matters related to public safety
2		or security; and
3	(4)	To deliberate or make a decision upon a matter that
4		requires the consideration of information that must be
5		kept confidential pursuant to state or federal law or
6		a court order. This information shall not be further
7		disclosed without the informed consent of the
8		individual and pursuant to state or federal law or a
9		court order.
10	In no ins	tance shall the advisory committee make a decision or
11	deliberat	e toward a decision in an executive meeting on matter
12	not direc	tly related to the purposes specified above.
13	<u>(m)</u>	No chance meeting or electronic communication shall be
14	used to c	ircumvent the requirements of this section to make a
15	decision	or deliberate toward a decision upon a matter over
16	which the	advisory committee has advisory power. For purposes
17	<u>of this s</u>	ection, "chance meeting" has the same meaning as
18	provided	in section 92-2.
19	<u>(n)</u>	The advisory committee shall give written public
20	notice of	any regular, special, or rescheduled meeting. The
21	notice sh	all include an agenda that lists the items to be
22	considere	d at the meeting and all video conference locations if
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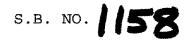
1	any. The notice shall be filed with the office of the
2	lieutenant governor or the appropriate county clerk's office,
3	and with the clerk of the supreme court for public inspection at
4	least six calendar days before the meeting. The notice shall
5	also be posted at the site of the meeting whenever feasible. If
6	the written notice is filed less than six calendar days before
7	the meeting, the clerk of the supreme court shall notify the
8	chairperson and the meeting shall be canceled. Notice of the
9	cancellation shall be posted at the site of the meeting. The
10	advisory committee shall maintain a list of names and addresses
11	of persons who request notification of meetings and shall mail
12	or email a copy of the notice to these persons at their last
13	recorded address.
14	(o) The advisory committee shall keep written minutes of
15	all meetings. Unless otherwise required by law, neither a full
16	transcript nor recording of the meeting is required, but the
17	written minutes shall provide a true reflection of the matters
18	discussed at the meeting and the views of the participants. The
19	minutes shall include, but need not be limited to:
20	(1) The date, time, and place of the meeting;
21	(2) The members of the advisory committee recorded as
22	either present or absent;



1	(3)	The substance of all matters proposed, discussed, or
2		decided; and a record, by individual member, of any
3		votes taken; and
4	(4)	Any other information that members of the advisory
5		committee request be included or reflected in the
6		minutes.
7	(p)	The minutes shall be a public record and shall be
8	available	for inspection within thirty days after the meeting
9	except wh	ere disclosure would be inconsistent with subsection
10	(1).	
11	(q)	Any member who wilfully violates this section may be
12	summarily	removed from service on the advisory committee.
13	<u>(r)</u>	The chief justice shall enforce the requirements of
14	subsectio	ns (h) to (q).
15	<u>(s)</u>	The chief justice shall submit a report to the
16	legislatu	re no later than October 15 of each calendar year that
17	describes	the activities, findings, and alternatives reviewed
18	and devel	oped by the advisory committee."
19	SECT	ION 3. New statutory material is underscored.
20	SECT	ION 4. This Act shall take effect upon its approval.
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INTRODUCED BY: MBARNe Chung Cakland doc Can Jole magn.





Report Title:

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Family Court; Citizen's Family Law Advisory Committee

Description:

Creates a Citizen's Family Law Advisory Committee to be placed, for administrative purposes, in the Judiciary.

