
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
2 advisory committee to assist the judiciary and the legislature
3 in continuing to improve family court, by requiring the advisory
4 committee to make findings and evaluate alternatives and
5 recommendations through a process that includes sunshine
6 requirements, including public participation and notice of
7 meetings. The intent of this Act is to create an ongoing
8 process within the judiciary by which judiciary personnel,
9 family court professionals, related service providers, and the
10 public can participate in and provide feedback about the family
11 court and family law matters, which follows the sunshine law
12 principles in chapter 92, Hawaii Revised Statutes.

13 SECTION 2. Chapter 571, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§571- Citizen's family law advisory committee. (a)
17 There is established within the judiciary, for administrative



1 purposes, a citizen's family law advisory committee. The chief
2 justice of the supreme court shall appoint members to the
3 advisory committee who shall serve in an advisory capacity only.
4 The advisory committee shall give continuing consideration to
5 all aspects of the administration of justice in the family court
6 and may further assist the family court at the family court's
7 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 (c) The members of the advisory committee shall select a
18 chairperson, vice-chair, and secretary-treasurer from its
19 membership, each for a term of one year.

20 (d) The chief justice shall appoint no less than eleven
21 and no more than fifteen members to the advisory committee,
22 including a representative from each judicial circuit; provided



1 that the advisory committee shall include among its members a
2 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, including family law practitioners, and
10 legal services providers;

11 (6) Family and children service providers; and

12 (7) Mental health professionals, guardians, or expert
13 witnesses.

14 (e) There shall be a minimum of four members on the
15 advisory committee who are not otherwise affiliated with or
16 employed by the judiciary or the Hawaii State Bar Association.

17 (f) Members shall serve for terms of four years and shall
18 be limited to serving two consecutive terms; provided that
19 members may be reappointed for additional terms after a break in
20 service for at least one four-year term.

21 (g) Members of the advisory committee shall serve without
22 compensation for their services but shall be reimbursed for



1 reasonable expenses, including travel or other expenses
2 incidental to their service on the advisory committee.

3 (h) The advisory committee shall meet at a stated time to
4 be fixed by its members, but no less than nine times every
5 twelve months.

6 (i) Every meeting of the advisory committee shall be open
7 to the public unless otherwise provided by this section;
8 provided that the advisory committee may remove any person who
9 wilfully disrupts a meeting to prevent or compromise the conduct
10 of the meeting. Seven members shall constitute a quorum of the
11 advisory committee. For purposes of this section, "meeting"
12 means the convening of the advisory committee for which a quorum
13 is required in order to make a decision or deliberate towards a
14 decision upon a matter over which the advisory committee has
15 advisory power.

16 (j) The advisory committee may hold a meeting by
17 videoconference and any member participating in a meeting by
18 videoconference shall be considered present at the meeting for
19 purposes of determining compliance with the quorum requirements
20 of the advisory committee.

21 (k) The advisory committee shall afford all interested
22 persons an opportunity to present oral or written testimony on



1 any item on the agenda. The advisory committee may provide for
2 reasonable admission of oral testimony by rule.

3 (1) The advisory committee may hold hearings closed to the
4 public upon an affirmative vote taken at an open meeting of two-
5 thirds of the members present to:

6 (1) Consider matters affecting the significant privacy
7 considerations of a specific individual or case
8 pending in family court; provided that if the
9 individual concerned requests an open meeting, an open
10 meeting shall be held;

11 (2) Consult with the advisory committee's attorney who
12 shall be furnished by the chief justice to the
13 advisory committee on questions and issues pertaining
14 to the advisory committee's powers, duties,
15 privileges, immunities, and liabilities;

16 (3) Consider sensitive matters related to public safety or
17 security; or

18 (4) Deliberate or make a decision upon a matter that
19 requires the consideration of information that must be
20 kept confidential pursuant to state or federal law or
21 a court order. This information shall not be further
22 disclosed without the informed consent of the



1 individual and pursuant to state or federal law or a
2 court order.

3 (m) No chance meeting or electronic communication shall be
4 used to circumvent the requirements of this section to make a
5 decision or deliberate toward a decision upon a matter over
6 which the advisory committee has advisory power. For purposes
7 of this section, "chance meeting" has the same meaning as
8 provided in section 92-2.

9 (n) The advisory committee shall give written public
10 notice of any regular, special, or rescheduled meeting. The
11 notice shall include an agenda that lists the items to be
12 considered at the meeting and all video conference locations, if
13 any. The notice shall be filed with the office of the
14 lieutenant governor or the appropriate county clerk's office,
15 and with the clerk of the supreme court for public inspection at
16 least six calendar days before the meeting. The notice shall
17 also be posted at the site of the meeting whenever feasible. If
18 the written notice is filed less than six calendar days before
19 the meeting, the clerk of the supreme court shall notify the
20 chairperson and the meeting shall be canceled. Notice of the
21 cancellation shall be posted at the site of the meeting. The
22 advisory committee shall maintain a list of names and addresses



1 of persons who request notification of meetings and shall mail
2 or email a copy of the notice to these persons at their last
3 recorded address.

4 (o) The advisory committee shall keep written minutes of
5 all meetings. Unless otherwise required by law, neither a full
6 transcript nor recording of the meeting is required, but the
7 written minutes shall provide a true reflection of the matters
8 discussed at the meeting and the views of the participants. The
9 minutes shall include:

- 10 (1) The date, time, and place of the meeting;
11 (2) The members of the advisory committee recorded as
12 either present or absent;
13 (3) The substance of all matters proposed, discussed, or
14 decided; and a record, by individual member, of any
15 votes taken; and
16 (4) Any other information that members of the advisory
17 committee request be included or reflected in the
18 minutes.

19 (p) The minutes shall be a public record and shall be
20 available for inspection within thirty days after the meeting
21 except where disclosure would be inconsistent with subsection
22 (1).



1 (q) Any member who wilfully violates this section may be
2 summarily removed from service on the advisory committee.

3 (r) The chief justice shall enforce the requirements of
4 subsections (h) to (q).

5 (s) The chief justice shall submit a report to the
6 legislature no later than October 15 of each calendar year that
7 describes the activities, findings, and alternatives reviewed
8 and developed by the advisory committee."

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.



Report Title:

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. (SD1)

