

JAN 21 2011

A BILL FOR AN ACT

RELATING TO FAMILY COURT.

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

1 SECTION 1. The legislature finds that according to the
2 Access to Justice Hui report of November 2007, the family court
3 comprises a significant portion of unmet legal needs and
4 significant barriers to justice exist. In its 2010 report, the
5 Access to Justice Committee on Education, Communications, and
6 Conference Planning discussed whether public meetings should be
7 held to provide an appropriate forum for those in need of access
8 to justice to describe their particular situations and an
9 opportunity for state legislators and other policy makers to
10 learn about the vital importance of basic access to justice for
11 low- and moderate-income people.

12 The purpose of this Act is to create a citizen's family law
13 advisory committee, comprised of a broad spectrum of citizens,
14 to assist the judiciary and the legislature in continuing to
15 improve the family court by:

- 16 (1) Gathering input and information;
- 17 (2) Conducting studies, evaluations, or surveys;



- 1 (3) Reviewing legislation, administrative procedures, and
- 2 proposals; and
- 3 (4) Evaluating alternatives and making recommendations
- 4 relating to family law and family court.

5 The legislature finds that the citizen's family law advisory
6 committee established by this Act will provide within the
7 judiciary an ongoing and needed means by which judiciary
8 personnel, family court professionals, related service
9 providers, and the public can participate in and provide
10 feedback about the family court and family law matters, in a
11 forum that employs sunshine law principles under chapter 92,
12 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
18 purposes, a citizen's family law advisory committee. The chief
19 justice of the supreme court shall appoint members to the
20 advisory committee who shall serve in an advisory capacity only.
21 The advisory committee shall give continuing consideration to
22 all aspects of the administration of justice in the family court



1 and may further assist the family court at the family court's
2 discretion.

3 (b) The advisory committee may:

4 (1) Gather input and information regarding family law and
5 family court issues or complaints;

6 (2) Conduct studies, evaluations, or surveys related to
7 family law and family court issues;

8 (3) Review legislation, administrative procedures, and
9 proposals relating to family law and family court
10 issues; and

11 (4) Evaluate alternatives and make recommendations
12 relating to family law and family court issues.

13 (c) The members of the advisory committee shall select a
14 chairperson, vice-chair, and secretary-treasurer from its
15 membership, each of whom shall serve in that capacity for a term
16 of one year.

17 (d) The chief justice of the supreme court shall appoint
18 no less than eleven and no more than fifteen members to the
19 advisory committee, including a representative from each
20 judicial circuit; provided that advisory committee membership
21 shall include a representative from each of the following:

22 (1) Community laypersons;



- 1 (2) Persons who are or were parties in a family court
- 2 action, including self-represented individuals, if
- 3 available;
- 4 (3) Judges;
- 5 (4) The family court administrator or the administrator's
- 6 designee;
- 7 (5) Attorneys, including family law practitioners, and
- 8 legal services providers;
- 9 (6) Family and children service providers;
- 10 (7) Mental health professionals, guardians, or expert
- 11 witnesses;
- 12 (8) State and county agencies, including but not limited
- 13 to the department of human services, department of
- 14 health, and department of public safety; and
- 15 (9) Law enforcement agencies;

16 provided further that a minimum of four members on the advisory
17 committee shall not otherwise be affiliated with or employed by
18 the judiciary or the Hawaii State Bar Association.

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



1 (f) Members of the advisory committee shall serve without
2 compensation but shall be reimbursed for necessary and
3 reasonable expenses, including travel or other expenses incurred
4 in the performance of their official duties.

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

8 (h) Section 92-6(a)(1) notwithstanding, the advisory
9 committee shall comply fully with chapter 92. Notice of any
10 advisory committee meeting shall be posted at the site of the
11 meeting whenever feasible. In addition, notice for advisory
12 committee meetings shall be posted on the judiciary website and
13 filed in the office of the clerk of the supreme court and with
14 the appropriate circuit court and family court clerk in the
15 circuit where the meeting is to be held, at least six calendar
16 days before the meeting; provided that upon any failure to
17 timely file the notice, the administrative director of the
18 courts or the appropriate circuit and family court clerk shall
19 immediately notify the chairperson of the advisory committee of
20 the tardy filing, and the meeting shall be canceled as a matter
21 of law; provided further that upon receipt of notice of tardy



1 filing, the chairperson of the advisory committee shall post a
2 meeting cancellation notice at the site of the meeting.

3 (i) The chief justice of the supreme court shall enforce
4 the requirements of this section.

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

9 SECTION 3. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2011.

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INTRODUCED BY: Erzanne Chun Oabland
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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.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

