

STAND. COM. REP. NO. 929

Honolulu, Hawaii

March 4, 2011

RE: H.B. No. 909  
H.D. 2

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 909, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to provide effective procedures for the division of property in divorce proceedings by establishing a system for the division of marital assets based on the commercial partnership model for winding up duties and chargeable marital estate reduction principals.

The Family Court Intervention Task Force and several individuals supported this measure. One concerned individual supported this bill with amendments. The Family Law Section of the Hawaii State Bar Association opposed this measure. The Judiciary submitted comments.

Your Committee finds the concerns and suggestions from the Family Law Section of the Hawaii State Bar Association raise important points. Accordingly, your Committee has incorporated those suggestions by:

- (1) Deleting sections 1 and 2 from the measure that applied a statutory business partnership model to the division of marital assets; and

HB909 HD2 HSCR JUD HMS 2011-2764



- (2) Adding language to the remaining sections 3, 4, and 5 of the measure to more clearly authorize the family court to issue financial restraining orders, and more clearly specify that unauthorized dissipation of marital assets may be considered by the court in issuing further orders or ordering payment of attorney's fees and costs.

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 H.B. No. 909, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 909, H.D. 2.

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



GILBERT KEITH-AGARAN, Chair



