
A BILL FOR AN ACT

RELATING TO MARRIAGE.

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

1 SECTION 1. Section 580-1, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "§580-1 Jurisdiction; hearing. ~~[-(a)]~~ Exclusive original
4 jurisdiction in matters of annulment, divorce, and separation,
5 subject to section 603-37 as to change of venue, and subject
6 also to appeal according to law, is conferred upon the family
7 court of the circuit in which the applicant has been domiciled
8 or has been physically present for a continuous period of at
9 least three months next preceding the application therefor~~[7~~
10 ~~except as provided in subsection (b)]~~. No absolute divorce from
11 the bond of matrimony shall be granted for any cause unless
12 either party to the marriage has been domiciled or has been
13 physically present in the State for a continuous period of at
14 least six months next preceding the application therefor~~[7~~
15 ~~except as provided in subsection (b)]~~. A person who may be
16 residing on any military or federal base, installation, or
17 reservation within the State or who may be present in the State
18 under military orders shall not thereby be prohibited from



1 meeting the requirements of this section. The family court of
2 each circuit shall have jurisdiction over all proceedings
3 relating to the annulment, divorce, and separation of civil
4 unions entered into in this State or unions recognized as civil
5 unions in this State in the same manner as marriages.

6 ~~[(b) An action for annulment, divorce, or separation may~~
7 ~~be commenced where neither party to the marriage meets the~~
8 ~~domicile or physical presence requirements of subsection (a) at~~
9 ~~the time the action is commenced, if:~~

10 ~~(1) The marriage was solemnized under chapter 572 in this~~
11 ~~State; and~~

12 ~~(2) Neither party to the marriage is able to pursue an~~
13 ~~action for annulment, divorce, or separation where the~~
14 ~~parties are domiciled because both parties are~~
15 ~~domiciled in a jurisdiction or jurisdictions that do~~
16 ~~not recognize their marriage.~~

17 ~~There shall be a rebuttable presumption that a jurisdiction will~~
18 ~~not maintain an action for annulment, divorce, or separation if~~
19 ~~the jurisdiction or jurisdictions where the parties are~~
20 ~~domiciled do not recognize the parties' marriage.~~

21 ~~(c) Actions brought under subsection (b) shall be~~
22 ~~commenced in the circuit where the marriage was solemnized and~~



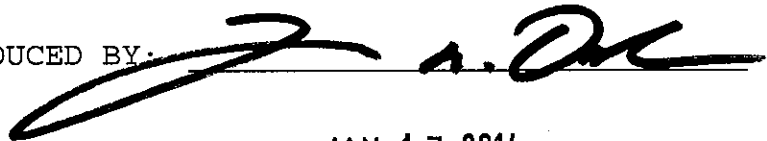
1 ~~the law of this State shall govern. Jurisdiction over actions~~
2 ~~brought under subsection (b) shall be limited to decrees~~
3 ~~granting annulment, divorce, or separation that address the~~
4 ~~status or dissolution of the marriage alone; provided that if~~
5 ~~both parties to the marriage consent to the family court's~~
6 ~~personal jurisdiction or if jurisdiction otherwise exists by~~
7 ~~law, the family court shall adjudicate child custody, spousal~~
8 ~~support, child support, property division, or other matters~~
9 ~~related to the annulment, divorce, or separation.] "~~

10 SECTION 2. Statutory material to be repealed is bracketed
11 and stricken.

12 SECTION 3. This Act shall take effect upon its approval.

13

INTRODUCED BY:



JAN 17 2014



H.B. NO. 1826

Report Title:

Marriage; Annulment, Divorce, or Separation; Domicile and Physical Presence Requirements

Description:

Repeals the provision allowing actions for annulment, divorce, or separation of a marriage solemnized in this State, where the parties do not meet state domicile or physical presence requirements, if the parties are domiciled in a jurisdiction that does not recognize the marriage.

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