

STAND. COM. REP. NO. 2978

Honolulu, Hawaii

MAR 20 2014

RE: H.B. No. 1669
H.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1669, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to fund additional court positions, including one permanent full-time equivalent Family Court Judge position, two permanent full-time equivalent Circuit Court Clerk II positions, and one permanent full-time equivalent Court Bailiff position in the Family Court of the First Circuit.

Your Committee received testimony in support of this measure from the Judiciary, Office of the Public Defender, Family Law Section of the Hawaii State Bar Association, Domestic Violence Action Center, and nine individuals. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of the Prosecuting Attorney, City and County of Honolulu.

Your Committee finds that the Hawaii Family Court lacks sufficient financial resources to meet the growing demands placed on it by the public. Family Court receives more motions and cases than any other court in the State. In 2013, the three Domestic Division Judges handled approximately four thousand divorce and custody cases, the four Juvenile Division Judges handled over two thousand one hundred juvenile and child abuse cases, and the three Special Division Judges handled eleven thousand five hundred

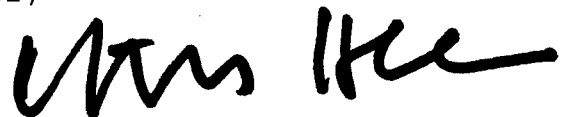


restraining order, paternity, adoption, involuntary commitment, and guardianship hearings. As a result, in 2013, for example, the wait time for a post-decree divorce motion hearing was five months. By providing funding for an additional judge and appropriate staff complement, this measure will assist in decreasing the delays and expenses in Family Court litigation and provide judges adequate time to resolve the cases and disputes.

Your Committee notes the testimony submitted by the Department of the Prosecuting Attorney of the City and County of Honolulu that requests the funds appropriated under this measure be provided to the Family Court's Criminal Division of the First Circuit to conduct jury trials for misdemeanor domestic violence cases. The Department testified that a certain level of importance be given to domestic violence cases because many domestic violence victims are willing to proceed with prosecution but face delays and setbacks due to the backlog of cases and motions. However, your Committee agrees with the testimony from the Judiciary that domestic violence is an issue that runs through all of the divisions of Family Court, not only the Criminal Division. As such, your Committee believes that funds should be appropriated for the benefit of the Family Court of the First Circuit as a whole, rather than for the benefit of a specified division.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1669, H.D. 2, and recommends that it pass Second Reading and be referred to the Committee on Ways and Means.

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



CLAYTON HEE, Chair



