

STAND. COM. REP. NO.

1459

Honolulu, Hawaii

APR 06 2017

RE: H.B. No. 1235  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 1235, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM FAMILY LAW  
ARBITRATION ACT,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the  
use of the Uniform Family Law Arbitration Act to resolve certain  
family law and child-related disputes.

Your Committee received testimony in support of this measure  
from the Commission to Promote Uniform Legislation. Your  
Committee received comments on this measure from the Department of  
the Attorney General.

Your Committee finds that state laws vary when it comes to  
arbitrating family law matters and the purpose of the Uniform  
Family Law Arbitration Act is to lay a foundation for arbitration  
of family law issues and standardize the arbitration of those  
matters. This measure adopts the Uniform Family Law Arbitration  
Act to provide an alternative means to settle or resolve family  
law disputes outside of court.

Your Committee notes the comments submitted by the Department  
of the Attorney General regarding a potential conflict between the



process established in this measure to modify a confirmed award or judgment and the Department's requirements under federal law to review and modify child support orders for children receiving Temporary Assistance for Needy Families or by request from either parent.

Accordingly, your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of the Attorney General that clarifies that if a party requests a modification of a confirmed award or judgment, the parties shall proceed under a dispute-resolution method specified in the award of judgment unless otherwise authorized under state or federal law;
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1235, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1235, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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



GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

|  |                                   |                         |          |          |
|--|-----------------------------------|-------------------------|----------|----------|
| Bill / Resolution No.:*<br><b>HB1235, HD1</b>  | Committee Referral:<br><b>JDL</b> | Date:<br><b>3/17/17</b> |          |          |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____                                      |                                   |                         |          |          |
| The Recommendation is:   |                                   |                         |          |          |
| <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 |                                   |                         |          |          |
| Members  | Aye                               | Aye (WR)                | Nay      | Excused  |
| KEITH-AGARAN, Gilbert S.C. (C)   | ✓                                 |                         |          |          |
| RHOADS, Karl (VC)  | ✓                                 |                         |          |          |
| GABBARD, Mike  |                                   |                         |          | ✓        |
| KIM, Donna Mercado   | ✓                                 |                         |          |          |
| THIELEN, Laura H.  | ✓                                 |                         |          |          |
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| <b>TOTAL</b>   | <b>4</b>                          | <b>0</b>                | <b>0</b> | <b>1</b> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                                   |                         |          |          |
| Chair's or Designee's Signature: <i>Karl Rhoads</i>  |                                   |                         |          |          |
| <b>Distribution:</b> Original    Yellow    Pink    Goldenrod<br>File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy                                 |                                   |                         |          |          |

\*Only one measure per Record of Votes