

Honolulu, Hawaii

APR 06 2018

RE: H.B. No. 1614  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B.  
No. 1614, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AUTOMATIC RESTRAINING ORDERS,"

begs leave to report as follows:

The purpose and intent of this measure is to automatically impose a restraining order upon parties filing for annulment, divorce, or separation to:

- (1) Preserve the financial assets of the parties and their dependents; and
- (2) Maintain the current island of residence and school of enrollment of a minor child of the parties.

Your Committee received testimony in support of this measure from the Family Law Section of the Hawaii State Bar Association and two individuals. Your Committee received testimony in opposition to this measure from the Hawai'i State Commission on the Status of Women, Stop Abuse Campaign, and four individuals.

Your Committee finds that family court congestion can be reduced by providing for orders that automatically take effect when parties file for annulment, divorce, or separation. Automatically imposed restraining orders to preserve the financial



assets of parties and their dependents will help to create a more level playing field for unrepresented parties, parties who are unfamiliar with the court system and unaware of their legal rights and obligations, and parties who have a significant disparity in finances and resources.

Your Committee notes that section 580-10, Hawaii Revised Statutes, provides for asset restraining orders on the motion of either party to a complaint. Your Committee encourages your Committee on Conference, if it considers this measure, to examine whether that provision of section 580-10, Hawaii Revised Statutes, should be repealed in light of the automatic restraining orders provided for in this measure.

Your Committee has amended this measure by:

- (1) Adding clarifying language to avoid confusion with an existing statute that already allows for asset restraining orders on the motion of either party to a complaint; and
- (2) Inserting an effective date of July 1, 2035, to encourage further discussion.

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. 1614, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1614, 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,



\_\_\_\_\_  
BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <i>HB1614, HD1</i>	Committee Referral: <i>JDC</i>	Date: <i>4/5/18</i>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
<b>TOTAL</b>	<i>4</i>	<i>0</i>	<i>0</i>	<i>1</i>

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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