

STAND. COM. REP. NO.

123

Honolulu, Hawaii

February 9, 2017

RE: H.B. No. 80

H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 80 entitled:

"A BILL FOR AN ACT RELATING TO ANNULMENT, DIVORCE, AND SEPARATION,"

begs leave to report as follows:

The purpose of this measure is to establish an automatic restraining order that issues upon the filing of a complaint in a proceeding for annulment, divorce, or separation. The restraining order is intended to preserve the financial assets of the parties and their dependents and to maintain the parties' minor children's current island of residence and school of enrollment.

The Family Law Section of the Hawaii State Bar Association, Farrell & Associates, and several individuals testified in support of the measure. The Domestic Violence Action Center and Hawaii State Coalition Against Domestic Violence testified in opposition. The Judiciary provided comments and proposed amendments to the measure.

Your Committee has amended this measure by:

- (1) Clarifying that debts may be incurred for reasonable amounts that are necessary for living and business expenses, children's educational expenses, and litigation fees and costs for the pending annulment, divorce, or separation action;


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- (2) Clarifying the procedure by which the defendant may set aside or modify the restraining order; and
- (3) Changing its effective date to July 1, 2050, 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. 80, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 80, H.D. 1, and be referred to your Committee on Finance.

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

  
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SCOTT Y. NISHIMOTO, Chair



