

Honolulu, Hawaii

MAR 02 2017

RE: S.B. No. 335

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  
S.B. No. 335 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.

Your Committee received testimony in support of this measure  
from the Commission to Promote Uniform Legislation. Your  
Committee received testimony in opposition to this measure from  
the Family Law Section of the Hawaii State Bar Association and one  
individual.

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 concerns raised in written testimony  
regarding the exclusion of child-related disputes from the scope  
of this measure. Since some of the most contested divorce cases  
in Family Court involve money and children, allowing the  
arbitration of all aspects of a contested divorce except child-



related disputes, such as custody matters, will likely lead to a Family Court bench trial, thereby resulting in bifurcated litigation and higher costs for the parties.

Accordingly, your Committee has amended this measure by:

- (1) Adding language from the Uniform Family Law Arbitration Act drafted by the National Conference of Commissioners on Uniform State Laws to expand its scope to include child-related disputes regarding child custody, visitation, or financial support regarding a child;
- (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 S.B. No. 335, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 335, 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



