

STAND. COM. REP. NO. 2953

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 2268

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2268 entitled:

"A BILL FOR AN ACT RELATING TO DIVORCE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Grant exclusive original jurisdiction in matters of annulment, divorce, and separation and other certain cases to the Family Court of the Circuit in which an applicant is domiciled at the time the application is filed, rather than require the applicant to have been domiciled or physically present in the State for a continuous period of at least three months before filing for such matters; and
- (2) Repeal the requirement that a person be domiciled or physically present in the State for a continuous period of at least six months before completing a divorce.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that existing law often places unnecessary burdens on persons seeking divorce. In some instances, the Family Court may have jurisdiction to initiate a



divorce but then lose jurisdiction prior to the completion of the divorce. For example, if a military member moves to Hawaii and applies for divorce, the Family Court has jurisdiction over the case because the family is domiciled in Hawaii. However, if the plaintiff is subsequently transferred away from Hawaii before making an application to the Court to grant the final divorce, the Court may lose jurisdiction over the case, and the parties may have to begin the process again in another state. This is particularly troublesome in cases involving domestic violence where an abused spouse leaves the State to flee the abuser.

Your Committee further finds that in cases of domestic violence, waiting three months to file for divorce may be particularly burdensome. During the waiting period, the victim of domestic violence is forced to endure the psychological distress of knowing that their abuser is legally recognized as their spouse. Possible abuse victims may fear for their safety when the State requires prolonging a legal relationship. Additionally, sustained legal recognition of the marriage carries certain financial and other obligations and requirements, such as health insurance coverage payments, that abuse victims should not have to maintain.

This measure removes the waiting period requirement to allow anyone who is domiciled in the State at the time of filing to file for divorce and removes the waiting period requirement for the completion of a divorce.

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 S.B. No. 2268 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

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

Bill / Resolution No.:* <b>SB 2268</b>	Committee Referral: <b>JDC</b>	Date: <b>2/16/2020</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado				/
FEVELLA, Kurt	/			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes