



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Judiciary

Representative Chris Lee, Chair

Representative Joy A. San Buenaventura, Vice Chair

Wednesday, March 11, 2020 at 2:00 p.m.

State Capitol, Conference Room 325

by

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Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 2268, Relating to Divorce.

Purpose: Grants 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. Repeals the requirement that a person be domiciled or physically present in the State for a continuous period of at least three months before filing for divorce. Repeals 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.

Judiciary's Position:

As the jurisdictional requirements set forth in HRS § 580-1 are a matter of policy for the Legislature to determine, the Judiciary does not take a position on this bill. Notwithstanding, we offer the following observations:

1. Although we do not have an ability to accurately predict the increase at this time, this bill will only increase the number of divorce cases filed.
2. While the filing of the divorce may be easier for a plaintiff, the court will have the same obligations to insure fair process, property division, and orders in the children's best interests.
3. The parties may also find that they are stymied in resolving property issues. The court will not have jurisdiction over real property situated outside the State of Hawai‘i.



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4. The Uniform Child-Custody Jurisdiction and Enforcement Act (“UCCJEA”) will apply and the court will not have jurisdiction over child custody issues. This would require cases to be filed in two jurisdictions, i.e., Hawai‘i and the home state of the children.
5. The increase of filed cases will have a negative impact on the time frame in which divorce cases are resolved. In other words, these new cases involving a plaintiff who may not have a significant connection or contact with the State of Hawai‘i will compete with all other cases for the same judicial resources.

Thank you for the opportunity to comment on this measure.