

STAND. COM. REP. NO.

2040

Honolulu, Hawaii

FEB 03 2022

RE: S.B. No. 2343
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2343 entitled:

"A BILL FOR AN ACT RELATING TO THE FAMILY COURT,"

begs leave to report as follows:

The purpose and intent of this measure is to make decisions of the family court directly appealable to the Supreme Court rather than the Intermediate Court of Appeals.

Your Committee received testimony in support of this measure from two individuals. Your Committee received testimony in opposition to this measure from the Judiciary.

Your Committee finds that delays experienced by parents and children while awaiting the disposition of appeals from family court decisions undermine the mission of the family court to provide a fair, speedy, economical, and accessible forum for the resolution of matters involving families and children. Your Committee further finds that in recent years, some parties have had to wait up to eight years for their family court cases to be resolved. Your Committee is concerned that these delays can result in unacceptable incongruities if the matter to be decided becomes moot while the appeal is pending, such as when a child reaches the age of majority before the final child custody order makes its way through the appeals process. Your Committee



therefore finds that this measure is necessary to expedite the disposition of appeals from family court decisions.

However, your Committee has heard the concerns of the Judiciary that this measure as drafted would significantly expand the caseload of the Supreme Court, which would detract from its ability to timely resolve other pressing matters, including its own direct appeals.

Accordingly, your Committee has amended this measure by:

- (1) Allowing cases within the jurisdiction of the Intermediate Court of Appeals involving a judgment, order, or decree of a family court that affect the custody of a child or minor, including involuntary termination of parental rights, to be transferred to the Supreme Court, instead of making all family court decisions directly appealable to the Supreme Court;
- (2) Inserting an effective date of December 31, 2050, 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2343, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2343, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS


Bill / Resolution No.:*	Committee Referral:	Date:
SB 2343	HMS, JDC	1/27/2022

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
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.				✓
FEVELLA, Kurt	✓			
TOTAL	4	0	0	1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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*Only one measure per Record of Votes