

JAN 19 2007

A BILL FOR AN ACT

RELATING TO FAMILY COURT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. This Act creates a citizen's family law
2 advisory committee, which will assist the judiciary and the
3 legislature in continuing to improve family court, by requiring
4 the advisory committee to make findings and evaluate
5 alternatives and recommendations through a process that includes
6 sunshine requirements, including public participation and notice
7 of meetings. The intent of this Act is to create an ongoing
8 process within the judiciary by which judiciary personnel,
9 family court professionals, related service providers, and the
10 public can participate in and provide feedback about the family
11 court and family law matters, which follows the sunshine law
12 principles in chapter 92, Hawaii Revised Statutes.

13 SECTION 2. Chapter 571, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§571- Citizen's family law advisory committee. (a)
17 There is established within the judiciary, for administrative



1 purposes, a citizen's family law advisory committee. The chief
2 justice of the supreme court shall appoint members to the
3 advisory committee, which will serve in an advisory capacity
4 only. The advisory committee shall give continuing
5 consideration to all aspects of the administration of justice in
6 the family court and may further assist the family court at the
7 family court's discretion.

8 (b) The advisory committee shall:

- 9 (1) Gather input and information regarding family law and
10 family court issues or complaints;
11 (2) Conduct studies, evaluations, or surveys related to
12 family law and family court issues;
13 (3) Review legislation relating to family law and family
14 court issues; and
15 (4) Make findings and evaluate alternatives relating to
16 family law and family court issues.

17 (c) The members of the advisory committee shall select a
18 chairperson, vice-chair, and secretary-treasurer from its
19 membership, each for a term of one year.

20 (d) The chief justice shall appoint no less than eleven
21 and no more than fifteen members to the advisory committee;



1 provided that the advisory committee shall include among its
2 members a representative from each of the following:

- 3 (1) Community laypersons;
- 4 (2) Persons who are or were parties in a family court
5 action including self-represented individuals, if
6 available;
- 7 (3) Judges;
- 8 (4) Family court administrator or designee;
- 9 (5) Attorneys, family law practitioners, or legal services
10 providers;
- 11 (6) Family and children service providers; and
- 12 (7) Mental health professionals, guardians, or expert
13 witnesses.

14 In appointing members from the above criteria, the chief justice
15 shall include a representative from each judicial circuit.

16 (e) At all times, there shall be a minimum of four members
17 on the advisory committee who are not otherwise affiliated with
18 or employed by the judiciary or the Hawaii State Bar
19 Association.

20 (f) Members shall serve for terms of four years and shall
21 be limited to serving two consecutive terms; provided that



1 members may be reappointed for additional terms after a break in
2 service for at least one four-year term.

3 (g) Members of the advisory committee shall serve without
4 compensation for their services but shall be reimbursed for
5 reasonable expenses, including travel or other expenses
6 incidental to their service on the advisory committee.

7 (h) The advisory committee shall meet at a stated time to
8 be fixed by its members, but no less than nine times every
9 twelve months.

10 (i) Every meeting of the advisory committee shall be open
11 to the public and all persons shall be permitted to attend any
12 meeting unless otherwise provided by this section; provided that
13 the advisory committee may remove any person who wilfully
14 disrupts a meeting to prevent or compromise the conduct of the
15 meeting. Seven members shall constitute a quorum of the
16 advisory committee. For purposes of this section, meeting means
17 the convening of the advisory committee for which a quorum is
18 required in order to make a decision or deliberate towards a
19 decision upon a matter over which the advisory committee has
20 advisory power.

21 (j) The advisory committee may hold a meeting by
22 videoconference and any member participating in a meeting by



1 videoconference shall be considered present at the meeting for
2 purposes of determining compliance with the quorum requirements
3 of the advisory committee.

4 (k) The advisory committee shall afford all interested
5 persons an opportunity to present oral or written testimony on
6 any item on the agenda. The advisory committee may provide for
7 reasonable admission of oral testimony by rule.

8 (1) The advisory committee may hold hearings closed to the
9 public upon an affirmative vote taken at an open meeting of two-
10 thirds of the members present, for one or more of the following
11 reasons:

12 (1) To consider matters affecting the significant privacy
13 considerations of a specific individual or case in
14 family court; provided that if the individual
15 concerned requests an open meeting, an open meeting
16 shall be held;

17 (2) To consult with the advisory committee's attorney that
18 shall be furnished by the chief justice to the
19 advisory committee on questions and issues pertaining
20 to the advisory committee's powers, duties,
21 privileges, immunities, and liabilities;



1 (3) To consider sensitive matters related to public safety
2 or security; and

3 (4) To deliberate or make a decision upon a matter that
4 requires the consideration of information that must be
5 kept confidential pursuant to state or federal law or
6 a court order. This information shall not be further
7 disclosed without the informed consent of the
8 individual and pursuant to state or federal law or a
9 court order.

10 In no instance shall the advisory committee make a decision or
11 deliberate toward a decision in an executive meeting on matter
12 not directly related to the purposes specified above.

13 (m) No chance meeting or electronic communication shall be
14 used to circumvent the requirements of this section to make a
15 decision or deliberate toward a decision upon a matter over
16 which the advisory committee has advisory power. For purposes
17 of this section, "chance meeting" has the same meaning as
18 provided in section 92-2.

19 (n) The advisory committee shall give written public
20 notice of any regular, special, or rescheduled meeting. The
21 notice shall include an agenda that lists the items to be
22 considered at the meeting and all video conference locations if



1 any. The notice shall be filed with the office of the
2 lieutenant governor or the appropriate county clerk's office,
3 and with the clerk of the supreme court for public inspection at
4 least six calendar days before the meeting. The notice shall
5 also be posted at the site of the meeting whenever feasible. If
6 the written notice is filed less than six calendar days before
7 the meeting, the clerk of the supreme court shall notify the
8 chairperson and the meeting shall be canceled. Notice of the
9 cancellation shall be posted at the site of the meeting. The
10 advisory committee shall maintain a list of names and addresses
11 of persons who request notification of meetings and shall mail
12 or email a copy of the notice to these persons at their last
13 recorded address.

14 (o) The advisory committee shall keep written minutes of
15 all meetings. Unless otherwise required by law, neither a full
16 transcript nor recording of the meeting is required, but the
17 written minutes shall provide a true reflection of the matters
18 discussed at the meeting and the views of the participants. The
19 minutes shall include, but need not be limited to:

- 20 (1) The date, time, and place of the meeting;
21 (2) The members of the advisory committee recorded as
22 either present or absent;



1 (3) The substance of all matters proposed, discussed, or
2 decided; and a record, by individual member, of any
3 votes taken; and

4 (4) Any other information that members of the advisory
5 committee request be included or reflected in the
6 minutes.

7 (p) The minutes shall be a public record and shall be
8 available for inspection within thirty days after the meeting
9 except where disclosure would be inconsistent with subsection
10 (l).

11 (q) Any member who wilfully violates this section may be
12 summarily removed from service on the advisory committee.

13 (r) The chief justice shall enforce the requirements of
14 subsections (h) to (q).

15 (s) The chief justice shall submit a report to the
16 legislature no later than October 15 of each calendar year that
17 describes the activities, findings, and alternatives reviewed
18 and developed by the advisory committee."

19 SECTION 3. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.

21

INTRODUCED BY: *Erzanne Chun Oakland*
 Carol Fukunaga

Report Title:

Family Court; Citizen's Family Law Advisory Committee

Description:

Creates a Citizen's Family Law Advisory Committee to be placed, for administrative purposes, in the Judiciary.

