
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 to assist the judiciary and the legislature
3 in continuing to improve family court through a process that
4 includes sunshine requirements, including public participation
5 and notice of meetings. The intent of this Act is to create an
6 ongoing process within the judiciary by which judiciary
7 personnel, family court professionals, related service
8 providers, and the public can participate in and provide
9 feedback about the family court and family law matters, which
10 follows the sunshine law principles in chapter 92, Hawaii
11 Revised Statutes.

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

15 "§571- Citizen's family law advisory committee. (a)
16 There is established within the judiciary, for administrative
17 purposes, a citizen's family law advisory committee. The chief



1 justice of the supreme court shall appoint members to the
2 advisory committee who shall serve in an advisory capacity only.

3 (b) Upon the request of the judiciary, the advisory
4 committee shall:

5 (1) Provide input on proposals of the family court to
6 modify administrative procedures, and improve access
7 of consumers to the judiciary; and

8 (2) Hold public hearings to gather input from the public
9 on proposals of the judiciary.

10 (c) The members of the advisory committee shall select a
11 chairperson, vice-chair from its membership, each for a term of
12 one year.

13 (d) The chief justice shall appoint no less than eleven
14 and no more than fifteen members to the advisory committee,
15 including a representative from each judicial circuit; provided
16 that the advisory committee shall include among its members a
17 representative from each of the following:

18 (1) Community laypersons;

19 (2) Persons who are or were parties in a family court
20 action including self-represented individuals, if
21 available;

22 (3) Judges;



- 1 (4) Family court administrator or designee;
2 (5) Attorneys, including family law practitioners, and
3 legal services providers;
4 (6) Family and children service providers; and
5 (7) Mental health professionals, guardians, or expert
6 witnesses.

7 (e) There shall be a minimum of four members on the
8 advisory committee who are not otherwise affiliated with or
9 employed by the judiciary or the Hawaii State Bar Association.

10 (f) Members shall serve for terms of four years and shall
11 be limited to serving two consecutive terms; provided that
12 members may be reappointed for additional terms after a break in
13 service for at least one four-year term.

14 (g) Members of the advisory committee shall serve without
15 compensation for their services but shall be reimbursed for
16 reasonable expenses, including travel or other expenses,
17 incidental to their service on the advisory committee.

18 (h) Every meeting of the advisory committee shall be open
19 to the public unless otherwise provided by this section;
20 provided that the advisory committee may remove any person who
21 wilfully disrupts a meeting to prevent or compromise the conduct
22 of the meeting. Seven members shall constitute a quorum of the



1 advisory committee. For purposes of this section, "meeting"
2 means the convening of the advisory committee for which a quorum
3 is required in order to make a decision or deliberate towards a
4 decision upon a matter over which the advisory committee has
5 advisory power.

6 (i) The advisory committee may hold a meeting by
7 videoconference and any member participating in a meeting by
8 videoconference shall be considered present at the meeting for
9 purposes of determining compliance with the quorum requirements
10 of the advisory committee.

11 (j) The advisory committee shall afford all interested
12 persons an opportunity to present oral or written testimony on
13 any item on the agenda. The advisory committee may provide for
14 reasonable admission of oral testimony by rule.

15 (k) The advisory committee may hold hearings closed to the
16 public upon an affirmative vote taken at an open meeting of two-
17 thirds of the members present to:

18 (1) Consult with the advisory committee's attorney who
19 shall be furnished by the chief justice to the
20 advisory committee on questions and issues pertaining
21 to the advisory committee's powers, duties,
22 privileges, immunities, and liabilities;



1 (2) Consider sensitive matters related to public safety or
2 security; or

3 (3) 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 (1) No chance meeting or electronic communication shall be
11 used to circumvent the requirements of this section to make a
12 decision or deliberate toward a decision upon a matter over
13 which the advisory committee has advisory power. For purposes
14 of this section, "chance meeting" has the same meaning as
15 provided in section 92-2.

16 (m) The advisory committee shall give written public
17 notice of any regular, special, or rescheduled meeting. The
18 notice shall include an agenda that lists the items to be
19 considered at the meeting and all video conference locations, if
20 any. The notice shall be filed with the office of the
21 lieutenant governor or the appropriate county clerk's office,
22 and with the clerk of the supreme court for public inspection at



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

11 (n) The advisory committee shall keep written minutes of
12 all meetings. Unless otherwise required by law, neither a full
13 transcript nor recording of the meeting is required, but the
14 written minutes shall provide a true reflection of the matters
15 discussed at the meeting and the views of the participants. The
16 minutes shall include:

- 17 (1) The date, time, and place of the meeting;
18 (2) The members of the advisory committee recorded as
19 either present or absent;
20 (3) The substance of all matters proposed, discussed, or
21 decided; and a record, by individual member, of any
22 votes taken; and



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

4 (o) The minutes shall be a public record and shall be
5 available for inspection within thirty days after the meeting
6 except where disclosure would be inconsistent with subsection
7 (k).

8 (p) Any member who wilfully violates this section may be
9 summarily removed from service on the advisory committee.

10 (q) The chief justice shall enforce the requirements of
11 subsections (h) to (g).

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

16 SECTION 3. New statutory material is underscored.

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



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. (SD2)

