
A BILL FOR AN ACT

RELATING TO MARRIAGE.

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

SECTION 1. Section 580-1, Hawaii Revised Statutes, is amended to read as follows:

"§580-1 **Jurisdiction; hearing.** ~~[(a)]~~ Exclusive original jurisdiction in matters of annulment, divorce, and separation, subject to section 603-37 as to change of venue, and subject also to appeal according to law, is conferred upon the family court of the circuit in which the applicant has been domiciled or has been physically present for a continuous period of at least three months next preceding the application therefor~~[(b)]~~. No absolute divorce from the bond of matrimony shall be granted for any cause unless either party to the marriage has been domiciled or has been physically present in the State for a continuous period of at least six months next preceding the application therefor~~[(b)]~~. A person who may be residing on any military or federal base, installation, or reservation within the State or who may be present in the State



1 under military orders shall not thereby be prohibited from
2 meeting the requirements of this section. The family court of
3 each circuit shall have jurisdiction over all proceedings
4 relating to the annulment, divorce, and separation of civil
5 unions entered into in this State or unions recognized as civil
6 unions in this State in the same manner as marriages.

7 ~~[(b) An action for annulment, divorce, or separation may~~
8 ~~be commenced where neither party to the marriage meets the~~
9 ~~domicile or physical presence requirements of subsection (a) at~~
10 ~~the time the action is commenced, if:~~

11 ~~(1) The marriage was solemnized under chapter 572 in this~~
12 ~~State; and~~

13 ~~(2) Neither party to the marriage is able to pursue an~~
14 ~~action for annulment, divorce, or separation where the~~
15 ~~parties are domiciled because both parties are~~
16 ~~domiciled in a jurisdiction or jurisdictions that do~~
17 ~~not recognize their marriage.~~

18 ~~There shall be a rebuttable presumption that a jurisdiction will~~
19 ~~not maintain an action for annulment, divorce, or separation if~~
20 ~~the jurisdiction or jurisdictions where the parties are~~
21 ~~domiciled do not recognize the parties' marriage.~~



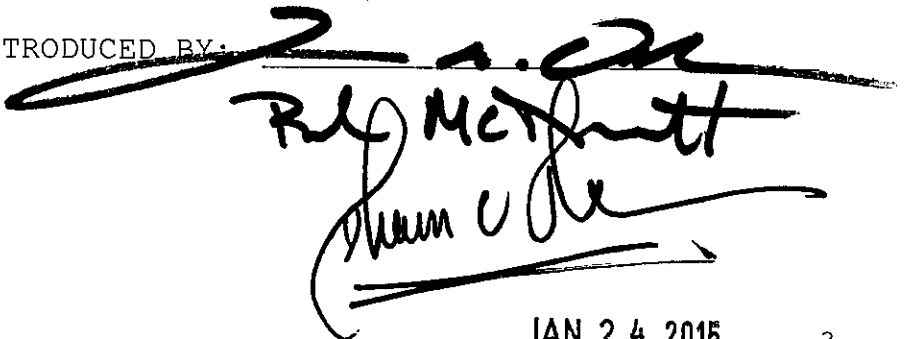
~~(c) Actions brought under subsection (b) shall be commenced in the circuit where the marriage was solemnized and the law of this State shall govern. Jurisdiction over actions brought under subsection (b) shall be limited to decrees granting annulment, divorce, or separation that address the status or dissolution of the marriage alone; provided that if both parties to the marriage consent to the family court's personal jurisdiction or if jurisdiction otherwise exists by law, the family court shall adjudicate child custody, spousal support, child support, property division, or other matters related to the annulment, divorce, or separation.]"~~

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. Statutory material to be repealed is bracketed and stricken.

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

INTRODUCED BY:

A large, stylized handwritten signature in black ink, appearing to read "Rep. McPherson", is written over the "INTRODUCED BY:" text and extends across the right side of the page.



H.B. NO. 747

Report Title:

Marriage; Annulment, Divorce, or Separation; Domicile and Physical Presence Requirements

Description:

Repeals the provision allowing actions for annulment, divorce, or separation of a marriage solemnized in this State, where the parties do not meet state domicile or physical presence requirements, if the parties are domiciled in a jurisdiction that does not recognize the marriage.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

