STAND. COM. REP. NO. **552** 

Honolulu, Hawaii

MAR 9 2 2017

RE: S.B. No. 335 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 335 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM FAMILY LAW ARBITRATION ACT,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the use of the Uniform Family Law Arbitration Act.

Your Committee received testimony in support of this measure from the Commission to Promote Uniform Legislation. Your Committee received testimony in opposition to this measure from the Family Law Section of the Hawaii State Bar Association and one individual.

Your Committee finds that state laws vary when it comes to arbitrating family law matters and the purpose of the Uniform Family Law Arbitration Act is to lay a foundation for arbitration of family law issues and standardize the arbitration of those matters. This measure adopts the Uniform Family Law Arbitration Act to provide an alternative means to settle or resolve family law disputes outside of court.

Your Committee notes the concerns raised in written testimony regarding the exclusion of child-related disputes from the scope of this measure. Since some of the most contested divorce cases in Family Court involve money and children, allowing the arbitration of all aspects of a contested divorce except child-

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related disputes, such as custody matters, will likely lead to a Family Court bench trial, thereby resulting in bifurcated litigation and higher costs for the parties.

Accordingly, your Committee has amended this measure by:

- (1) Adding language from the Uniform Family Law Arbitration Act drafted by the National Conference of Commissioners on Uniform State Laws to expand its scope to include child-related disputes regarding child custody, visitation, or financial support regarding a child;
- (2) Inserting an effective date of January 7, 2059, 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 Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 335, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 335, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

GILBERT S.C. KEITH-AGARAN, Chair

## The Senate Twenty-Ninth Legislature State of Hawaiʻi

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*  SB 335	Committee Referral: Date: 2/1/17				
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)					
RHOADS, Karl (VC)		V			
GABBARD, Mike		/			
KIM, Donna Mercado		/		-	
THIELEN, Laura H.		<b>V</b>			
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TOTAL		5	0	0	9
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signatu	Meson March	<u></u>			
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy					

\*Only one measure per Record of Votes