STAND. COM. REP. NO. Lag

Honolulu, Hawaii

## MAR 0 4 2021

RE: S.B. No. 828

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 828 entitled:

"A BILL FOR AN ACT RELATING TO DIVORCE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Grant exclusive original jurisdiction in matters of annulment, divorce, and separation and other certain cases to the Family Court of the circuit in which an applicant is domiciled at the time the application is filed, rather than require the applicant to have been domiciled or physically present in the State for a continuous period of at least three months before filing for such matters; and
- (2) Repeal the requirement that a person be domiciled or physically present in the State for a continuous period of at least six months before completing a divorce.

Your Committee received testimony in support of this measure from the Domestic Violence Action Center; Planned Parenthood Votes Northwest and Hawaii; American Association of University Women of Hawaii; Farrell & Perrault, LLLC; Hawaiii State Coalition Against Domestic Violence; and Hawaiii Women's Coalition. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that existing law often places unnecessary burdens on persons seeking divorce. In some instances, the Family Court may have jurisdiction to initiate a divorce but then lose jurisdiction prior to the completion of the divorce. Your Committee further finds that in cases of domestic violence, waiting three months to file for divorce may be particularly burdensome. During the waiting period, victims of domestic violence are forced to endure the psychological distress of knowing that their abuser is legally recognized as their spouse. Possible abuse victims may fear for their safety when the State requires prolonging a legal relationship. Additionally, sustained legal recognition of the marriage carries certain financial and other obligations and requirements, such has health insurance coverage payments, that abuse victims should not have to maintain.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 828 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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

KARL RHOADS, Chair

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## The Senate Thirty-First Legislature State of Hawai'i

## Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:			Date:		
SB 828	JOC			02/24/2021		
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 (W	R)	Nay	Excused
RHOADS, Karl (C)		V			·	
KEOHOKALOLE, Jarrett (VC)		>				
ACASIO, Laura		~				
GABBARD, Mike		V				
KIM, Donna Mercado		V				
LEE, Chris		>				
FEVELLA, Kurt		<b>&gt;</b>				
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			<u> </u>			
TOTAL	_	7	0		)	0
Recommendation:  Adopted  Not Adopted						
Chair's or Designee's Signature: Pal Mood						
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Committee						

\*Only one measure per Record of Votes