
A BILL FOR AN ACT

RELATING TO THE FAMILY COURT.

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

1 SECTION 1. The legislature finds that delays experienced
2 by parents and children while awaiting the disposition of
3 appeals from family court decisions could arguably violate the
4 due process clauses of both the state and federal constitutions.
5 These delays conflict with the mission of the family court,
6 which, as stated on the family court's website, is "to provide a
7 fair, speedy, economical, and accessible forum for the
8 resolution of matters involving families and children."

9 The legislature further finds that in recent years, some
10 parents and children have had to wait up to eight years for
11 their cases to be resolved. For example, the delays between the
12 filing of the family court order and the decision by the supreme
13 court on appeal have lasted as long as:

14 (1) Seven years and eight months in *Cox v. Cox*, 138 Hawaii

15 476 (2016);

16 (2) Four years and eleven months in *Brutsch v. Brutsch*,

17 139 Hawaii 373 (2017); and



(3) Two years and six months in *Tumaneng v. Tumaneng*, 138
Hawaii 468 (2016).

Delays can result in unacceptable incongruities if the
matter to be decided becomes moot while the appeal is pending,
such as when a child reaches the age of majority before the
final child custody order makes its way through the appeals
process.

Therefore, the purpose of this Act is to expedite the
disposition of appeals from family court decision by allowing
cases within the jurisdiction of the intermediate appellate
court involving a judgment, order, or decree of a family court
that affect the custody of a child or minor, including
involuntary termination of parental rights, to be transferred to
the supreme court.

SECTION 2. Section 602-58, Hawaii Revised Statutes, is
amended by amending subsection (b) to read as follows:

"(b) The supreme court, in a manner and within the time
provided by the rules of court, may grant an application to
transfer any case within the jurisdiction of the intermediate
appellate court to the supreme court upon the grounds that the
case involves:



- 1 (1) A question of first impression or a novel legal
2 question; [~~or~~]
- 3 (2) Issues upon which there is an inconsistency in the
4 decisions of the intermediate appellate court or of
5 the supreme court[~~-~~] or
- 6 (3) A judgment, order, or decree of a family court that
7 affects the custody of a child or minor, including
8 termination of parental rights in respect to a child
9 pursuant to section 571-61(b)."

10 SECTION 3. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on December 31,
16 2050.



Report Title:

Family Court Judgment, Order, or Decree; Custody of a Child; Appeal; Transfer from Intermediate Court of Appeals to Supreme Court

Description:

Allows cases within the jurisdiction of the Intermediate Court of Appeals involving a judgment, order, or decree of a family court that affect the custody of a child or minor, including involuntary termination of parental rights, to be transferred to the Supreme Court. Effective 12/31/2050. (SD1)

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