

---

---

# 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



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

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

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

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

17           "(b) The supreme court, in a manner and within the time  
18 provided by the rules of court, may grant an application to  
19 transfer any case within the jurisdiction of the intermediate  
20 appellate court to the supreme court upon the grounds that the  
21 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 pursuant to section
- 9                   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 4. Statutory material to be repealed is bracketed  
 14 and stricken. New statutory material is underscored.

15           SECTION 5. 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. (SD2)

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

