

JAN 18 2023

A BILL FOR AN ACT

RELATING TO THE UNIFORM CHILD-CUSTODY JURISDICTION AND
ENFORCEMENT ACT.

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

1 SECTION 1. Section 583A-105, Hawaii Revised Statutes, is
2 amended to read as follows:

3 " ~~[]~~ §583A-105 ~~[]~~ International application of chapter.

4 (a) A court of this State shall treat a foreign country as if
5 it were a state of the United States for the purpose of applying
6 parts I and II.

7 (b) Except as otherwise provided in subsection (c) ~~[]~~ or
8 (d), a child-custody determination made in a foreign country
9 under factual circumstances in substantial conformity with the
10 jurisdictional standards of this chapter shall be recognized and
11 enforced under part III.

12 (c) A court of this State need not apply this chapter if
13 the child-custody law of a foreign country violates fundamental
14 principles of human rights.

15 (d) A court of this State need not apply this chapter if
16 the law of a foreign country holds that apostasy, a sincerely



1 held religious belief or practice, or homosexuality are
2 punishable by death, and a parent or child demonstrates risk of
3 being subject to the law. For the purposes of this subsection,
4 "apostasy" means the abandonment or renunciation of a religious
5 or political belief."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.
9

INTRODUCED BY: _____

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S.B. NO. 130

Report Title:

Uniform Child-Custody Jurisdiction and Enforcement Act; Foreign Court; Family Court; Apostasy; Religion; Homosexuality; Capital Punishment; Application

Description:

Allows state courts discretion to not enforce a child custody determination of a foreign country if the law of the foreign country imposes capital punishment for apostasy, religious or political beliefs, or homosexuality, and a parent or child demonstrates risk of being subject to the law. Defines "apostasy".

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