

## ACT 50

A Bill for an Act Authorizing the Supreme Court to Prescribe by General Rules the Practice and Procedure in Child and Family Proceedings and Authorizing the Supreme Court to Appoint a Child and Family Rules Committee and Fixing and Defining its Powers and Duties.

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 214, Revised Laws of Hawaii 1955, is hereby amended by adding four new sections, to be numbered "214-22," "214-23," "214-24" and "214-25" and to read as follows:

**"Section 214-22. Rules relating to child and family procedure and practice.** The supreme court may from time to time prescribe by general rules, the pleading, practice and procedure with respect to any or all proceedings for all courts having jurisdiction of cases involving children and families and for all such other courts as the legislature shall hereafter establish having jurisdiction in such cases. Such rules shall be consistent with the State Constitution and shall not abridge, enlarge or modify the jurisdiction of any of the courts, other than juvenile courts or magistrates courts, or affect any statute of limitations. Such rules shall not abridge or modify the substantive rights under existing law of any child, parent or other person affected thereby but may deal with any or all proceedings directly affecting children and family relations, including but not limited to the following: juvenile, divorce, annulment of marriage, marital separation, relinquishment or termination of parental rights, adoption, guardianship of the person of a minor, establishment of paternity, reciprocal enforcement of support, and proceedings against persons who violate laws for the protection of children or for the support of dependents or who commit criminal offenses against children or against a spouse. The supreme court may, to the extent that it deems it advisable and practicable, use as a guide in the formulation of such rules, the Standard Family Court Act of 1959, as promulgated by the National Probation and Parole Association. Such rules may include the designation of any juvenile court existing under the provisions of Chapters 215 and 333, Revised Laws of Hawaii 1955, as a Family Court, and authorization for the hearing and determination of any of the classes of cases herein mentioned by referees, subject to the approval of a judge. Prior to the adoption, promulgation and publication of any general rule or any amendment thereof, except the general rules referred to in section 214-24, the supreme court shall provide for a public hearing at which all interested persons may appear, and at the time of the adoption, promulgation and publication of its general rules the supreme court shall fix the effective date thereof which shall not be less than six months from the date of the adoption thereof and may fix the extent to which they shall apply to proceedings then pending. The term 'child' as used herein shall mean any minor under twenty years of age.

**"Section 214-23. Child and Family procedural rules committee.** The supreme court may appoint a child and family procedural rules committee, a majority of the members of which shall have been admitted to practice before the supreme court, which shall assist the supreme court in the preparation, revision, promulgation, publication and administration of the general rules of child and family procedure.

**“Section 214-24. Rules for business of courts in child and family proceedings.** For the purpose of expediting any business of the courts in the State, in any matter which is not otherwise specifically regulated by law or by any of the general rules of child and family procedure, and for the purpose of facilitating a speedy and proper administration of justice for children and families, the supreme court may prescribe general rules for the conduct of all business of and practice in any of the courts of the State, which rules shall be effective as of the date fixed by the supreme court.

**“Section 214-25. Effect of rules.** All general rules made under the provisions of this subtitle shall, when promulgated, have the force and effect of law and shall supersede any statute in conflict therewith, PROVIDED, HOWEVER, and any provision herein contained to the contrary notwithstanding, all such rules shall apply only to procedure and shall have no effect whatsoever on substantive law.”

SECTION 2. This Act shall take effect upon its approval.

(Approved May 16, 1961.) H.B. 788.

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