

ACT 56

H. B. NO. 1127

A Bill for an Act Relating to Referees of the Family Court.

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

SECTION 1. Section 571-7, Hawaii Revised Statutes is amended to read as follows:

“Sec. 571-7 Appointment of referees, duties. The judge or senior judge, if there is more than one, may appoint attorneys licensed to practice before the Supreme Court of Hawaii to act as referees, who shall hold office during the pleasure of the senior judge or judge. The compensation of a referee shall be the same as a full time district judge’s salary. The senior judge or judge may direct that any case coming within the jurisdictional provisions of this chapter, or all cases of a class or within a district to be designated by him, shall be heard in the first instance by a referee in the manner provided for the hearing of cases by the court, but any party may, upon request, have a hearing before a judge in the first instance. At the conclusion of a hearing the referee shall transmit promptly to the senior judge or judge all papers relating to the case, together with his findings and recommendations in writing.

The referees may administer oaths, perpetuate testimony under the rules and orders of the family court, and issue commissions for the perpetuation of testimony to be used in controversies pending before them, grant continuances of proceedings before them, subpoena and compel the attendance of witnesses within their respective circuits, and punish contempts according to law.

Written notice of the referee’s findings and recommendations shall be given to the minor if he is of sufficient age to understand the nature of the notice, and to the parent, guardian, or custodian of the minor, in all cases

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heard by a referee coming within section 571-11, except uncontested cases, coming within section 571-11(3) to (8), and to all parties in contested adoption cases and in contested cases coming within section 571-14.

A hearing by a judge shall be allowed if any of such persons files with the court a request for review, provided that the request is filed within five days after the referee's written notice which shall apprise the persons of their right to request such review. If a hearing de novo is not requested by any party or ordered by the court, the hearing shall be upon the same evidence heard by the referee and reported in his findings, provided that new evidence may be admitted in the discretion of the judge. If a hearing before a judge is not requested or the right to the review is waived, the findings and recommendations of the referee, when confirmed by an order of a judge, become the decree of the court.

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

SECTION 3. The requirement that referees be attorneys licensed to practice before the Supreme Court of Hawaii shall not apply to incumbent referees.

SECTION 4. This Act shall take effect on January 1, 1972.

(Approved May 17, 1971.)

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\* Edited accordingly.