

A Bill for an Act Relating to the Creation of District Family Courts.

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

SECTION 1. Chapter 571, Hawaii Revised Statutes, is further amended by adding the following sections:

“Sec. 571- . District family courts; district family judges; appointment; sessions. In addition to the district courts established under section 604-1, there may be established in each of the judicial circuits of the State of Hawaii a district family court with the powers and under the conditions herein set forth which shall be styled as follows:

- (1) For the first judicial circuit: The district family court of the first circuit.
- (2) For the second judicial circuit: The district family court of the second circuit.
- (3) For the third judicial circuit: The district family court of the third circuit.
- (4) For the fifth judicial circuit: The district family court of the fifth circuit.

When in the discretion of the chief justice of the supreme court the urgency or volume of cases so requires, he may appoint one or more district family court judges for each judicial circuit. In substitution for the district family judges appointed under the authority of this chapter, the chief justice

may designate any district judge of a district court appointed pursuant to chapter 604 to act as a district family court judge within any circuit; such judge when so designated shall exercise the powers of a district judge appointed pursuant to this section.

The district family courts shall hold sessions at such places and as often as the family court judge or the senior family court judge, if there is more than one, of the judicial circuit shall prescribe.

Sec. 571- . Qualifications; tenure; removal. Each district family judge shall reside in the judicial circuit for which he is appointed and shall have been an attorney licensed to practice in all the courts of the State for at least five years. District family judges shall hold office for a term of six years and until their successors are appointed and qualified; provided, that any district family judge may be summarily removed from office, and his commission revoked by the supreme court whenever the supreme court deems such removal necessary for the public good or the volume of cases within the circuit is reduced to a level where the reduction of the number of district family judges within a circuit is deemed advisable.

Sec. 571- . Salary of district family judges. The compensation of district family court judges of the various district family courts of the State shall be eighty percent of the compensation of a circuit court judge.

Sec. 571- . Disqualification; absence; vacancy. Whenever it is advisable, by reason of a vacancy in the office of district family judge of any circuit, or by reason of the disqualification of any district family judge, or his inability to attend to his duties by reason of temporary absence, or for any other reason, the chief justice of the supreme court may designate the district family judge of any other circuit or any district judge appointed pursuant to chapter 604 to hear and determine any or all matters then or thereafter pending in the district family court to which he is called for such purpose, and while so engaged, he shall have and exercise all of the powers of a regularly appointed district family judge of the circuit to which he is called.

Sec. 571- . Jurisdiction. The senior judge or judge of the family court of the circuit 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 by the district family judge.

Sec. 571- . Powers.

(a) The district family judges may:

- (1) Administer oaths;
- (2) Subpoena and compel the attendance of witnesses from any part of the circuit and, if the subpoena is endorsed with proper words of authority by a judge of the family court of the judicial circuit in which the district family court is situated, from any part of the State, and compel the production of books, papers, documents including school, medical and financial records, or tangible things;
- (3) Summon and compel the attendance of parties to a proceeding from any part of the circuit and, if the summons is endorsed by a judge of the family court of the judicial circuit in which the district family

court is situated, from any part of the State;

- (4) Perpetuate testimony under the rules and orders of the family court, and issue commissions for the perpetuation of testimony to be used on controversies pending before them;
- (5) Grant continuances in proceedings before them;
- (6) Enforce decrees of the family court of its judicial circuit; and punish contempts according to law;
- (7) In a criminal case, alter, set aside, or suspend a sentence by way of mitigation or otherwise upon motion or plea of a defendant made within thirty days after imposition of a sentence; and
- (8) Appoint guardians ad litem for minors or incompetents or attorneys to represent parties in accordance with law.

(b) Every witness duly subpoenaed as provided in this section shall be allowed the same attendance and mileage fees allowed witnesses subpoenaed before the circuit courts.

(c) Except as otherwise provided in this chapter or in chapter 666, a summons or other writ issued by a district family court may be served only in the judicial circuit in which the district family court is situated."

SECTION 2. Chapter 571, Hawaii Revised Statutes, is further amended to substitute the words "district family judge" or "district family judges" wherever the word "referee" or "referees" appears therein.

SECTION 3. The first sentence of section 571-5, Hawaii Revised Statutes, is amended by inserting the words "and district family judges" before the phrase "is hereby created."

SECTION 4. Section 571-7, Hawaii Revised Statutes, is hereby repealed.

SECTION 5. The requirement that district family judges be attorneys licensed to practice before the Supreme Court of Hawaii shall not apply to incumbent referees.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 14, 1973.)