

**ACT 274**

S.B. NO. 717

A Bill for an Act Relating to Parent Education for Separating Parties.

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

SECTION 1. The legislature finds that divorce is an extremely difficult process for adults. Psychologists report that divorce involves levels of stress and grief equaled only by the death of a spouse or child. Divorce is equally difficult for children: they grieve for the loss of their intact family.

The purpose of this Act is to establish a surcharge on family court filing fees which would be deposited into a special fund used to fund parent education programs in all circuits. These programs will educate parents on the impact their separation will have on their children and to help separating parties avoid future litigious disputes. It is the intent of the legislature that the programs be self sustaining from the special fund.

SECTION 2. Chapter 607, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§607- Surcharge for parent education for separating parties with children; special fund.** (a) In addition to the fees prescribed for a matrimonial action under section 607-5, the court shall collect a surcharge of \$35 at the time of filing the initial complaint or petition.

(b) No surcharge shall be assessed:

(1) Against any party who has received a waiver of filing fees;

(2) Against any party proceeding on behalf of the State or any of the various counties; or

(3) If neither party has a minor child.

(c) Any respondent in a matrimonial action with a minor child may be requested to make a \$15 donation which shall be deposited into the special fund.

(d) Surcharges subject to this section shall be limited to one payment per case.

(e) There is established within the state treasury the parent education special fund into which shall be deposited revenues assessed under subsection (a), interest and investment earnings, grants, donations, and contributions from private or public sources. The fund shall be administered by the judiciary, subject to the conditions specified in subsection (f).

(f) The special fund shall be used solely for expenditures related to providing education on all islands for separating parents and their children. Revenues deposited into the special fund may be used for existing or enhanced parent education programs administered by the judiciary, or for grants or purchases of service pursuant to chapter 42D. All appropriations or authorizations from the special fund shall be expended by the judiciary.

(g) The judiciary shall submit an annual financial report to the legislature, prior to the convening of each regular session, which shall include an accounting of all deposits and expenditures from the fund.”

SECTION 3. There is appropriated out of the parent education special fund the sum of \$154,075, or so much thereof as may be necessary for fiscal year 1997-1998, and the same sum, or so much thereof as may be necessary for fiscal year 1998-1999 to carry out the purposes of this Act.

The sums appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval; provided that section 3 shall take effect on July 1, 1997.

(Approved June 21, 1997.)

**Note**

1. Edited pursuant to HRS §23G-16.5.