

ACT 41

S.B. NO. 1139

A Bill for an Act Relating to Family Court.

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

SECTION 1. Section 607-5.6, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§607-5.6]]~~ Surcharge for parent education for separating parties ~~[with children;]~~ in matrimonial actions, where either party has a minor child, and for parties in parentage actions; special fund. (a) In addition to the fees prescribed under section 607-5 for a matrimonial action ~~[under section 607-5;]~~ where either party has a minor child, or a family court proceeding under chapter 584, the court shall collect a surcharge of ~~[\$35]~~ \$50 at the time of filing the initial complaint or petition. In cases where the surcharge has been initially waived, the court may collect the surcharge subsequent to the filing with such surcharge to be assessed from either party or apportioned between both parties.

(b) No surcharge shall be assessed:

- (1) Against any party who has received ~~[a]~~ an initial waiver of filing fees ~~;~~, except that the court may subsequently determine that a party has the financial ability to pay the surcharge; or
- (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)]~~ (c) Surcharges subject to this section shall be limited to one [payment] surcharge per case.

~~[(e)]~~ (d) 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);]~~ (e).

~~[(f)]~~ (e) The special fund shall be used solely for expenditures related to providing education on all islands for separating parents in matrimonial actions and parties in parentage actions and their minor 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:]~~ 42F. All appropriations or authorizations from the special fund shall be expended by the judiciary.

~~[(g)]~~ (f) 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 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved April 30, 2003.)