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# A BILL FOR AN ACT

RELATING TO CONTEMPT OF COURT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 571-81, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§571-81 Contempt of court.** (a) Any adult who wilfully  
4 violates, neglects, or refuses to obey or perform any lawful  
5 order of the court may be proceeded against for contempt of  
6 court. Any adult found in contempt of court may be punished as  
7 provided by law.

8           (b) When a court of competent jurisdiction issues an order  
9 compelling a parent to furnish support, including child support,  
10 medical support, or other remedial care, for the parent's child,  
11 proof that the order was made, filed, and served on the parent  
12 or proof that the parent was present in court at the time the  
13 order was pronounced and proof that the parent did not comply  
14 with the order shall constitute prima facie evidence of a civil  
15 contempt of court. An order issued pursuant to this subsection  
16 shall clearly state that failure to comply with the order may  
17 subject the parent to civil contempt of court, and that the  
18 penalty for civil contempt of court may include imprisonment."



1 SECTION 2. Section 584-17, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) Wilful failure to obey the judgment or order of the  
4 court shall be a civil contempt of the court. All remedies for  
5 the enforcement of judgments shall apply to this chapter. When  
6 a court of competent jurisdiction issues an order compelling a  
7 parent to furnish support, including child support, medical  
8 support, or other remedial care, for the parent's child, proof  
9 that the order was made, filed, and served on the parent or  
10 proof that the parent was present in court at the time the order  
11 was pronounced and proof that the parent did not comply with the  
12 order shall constitute prima facie evidence of a civil contempt  
13 of court. An order issued to compel a parent to furnish support  
14 for the parent's child pursuant to this subsection shall clearly  
15 state that failure to comply with the order may subject the  
16 parent to civil contempt of court, and that the penalty for  
17 civil contempt of court may include imprisonment."

18 SECTION 3. Section 710-1077, Hawaii Revised Statutes, is  
19 amended by amending subsection (6) to read as follows:

20 "(6) Nothing in this section shall be construed to alter  
21 the court's power to punish civil contempt. When the contempt  
22 consists of the refusal to perform an act which the contemnor



1 has the power to perform, the contemnor may be imprisoned until  
2 the contemnor has performed it. In such a case the act shall be  
3 specified in the warrant of commitment. In any proceeding for  
4 review of the judgment or commitment, no presumption of law  
5 shall be made in support of the jurisdiction to render the  
6 judgment or order the commitment. When a court of competent  
7 jurisdiction issues an order compelling a parent to furnish  
8 support, including child support, medical support, or other  
9 remedial care, for the parent's child, proof that the order was  
10 made, filed, and served on the parent or proof that the parent  
11 was present in court at the time the order was pronounced and  
12 proof that the parent did not comply with the order shall  
13 constitute prima facie evidence of a civil contempt of court.  
14 An order issued to compel a parent to furnish support for the  
15 parent's child pursuant to this subsection shall clearly state  
16 that failure to comply with the order may subject the parent to  
17 civil contempt of court, and that the penalty for civil contempt  
18 of court may include imprisonment."

19 SECTION 4. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun, before its effective date.



- 1 SECTION 5. New statutory material is underscored.
- 2 SECTION 6. This Act shall take effect January 1, 2009.



**Report Title:**

Child Support Enforcement

**Description:**

Facilitates the enforcement of an order compelling a parent to pay child support, medical support, or other remedial care for his or her child, by providing that proof that the parent was present in court at the time the order was pronounced or that parent was served with the order, and proof that the parent did not comply with the order, constitutes prima facie evidence of a civil contempt of court. Requires the court to include in any order to compel a parent to furnish support for the parent's child a clear statement that failure to comply with the order could result in imprisonment. (SB1337 HD1)

