
A BILL FOR AN ACT

RELATING TO FAMILY COURT.

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

1 SECTION 1. Since becoming the State's only daily newspaper
2 of general circulation, the Honolulu Star-Advertiser has
3 increased classified rates for legal notices more than five
4 hundred per cent. Weekday rates have increased from \$9.75 to
5 \$65 and Sunday rates have increased from \$11 to \$75.

6 Additionally, over the past ten years, newspaper circulation
7 nationwide has decreased, leading to fewer people reading the
8 classifieds.

9 The legislature finds that the increase in legal classified
10 rates has placed a burden on impoverished litigants who are
11 unable to locate the opposing party and must serve notice of a
12 proceeding by purchasing a legal classified. The dramatic price
13 increase in the cost to publish legal notices combined with the
14 decrease in printed newspaper readership has made the practice
15 of service by publication obsolete for family court cases
16 involving impoverished litigants.

17 The purpose of this Act is to allow impoverished family
18 court litigants an alternative to serving notice by publication,



1 by allowing the posting of pleadings at the courthouse. This
 2 Act allows family court plaintiffs or petitioners who are unable
 3 to afford to serve notice by publication to serve notice to a
 4 defendant or respondent by, after a due and diligent search for
 5 the defendant or respondent, mailing pleadings and process to
 6 the defendant or respondent and to the defendant's or
 7 respondent's closest known relative, and posting pleadings and
 8 process at the courthouse with the permission of the family
 9 court.

10 SECTION 2. Section 601-13, Hawaii Revised Statutes, is
 11 amended to read as follows:

12 **"§601-13 Publication of notices and process. (a)** All
 13 notices or process required or permitted by law, by the rules of
 14 any court, or by judicial order to be published or advertised in
 15 judicial proceedings in the State shall be published or
 16 advertised in a newspaper or newspapers having a general
 17 circulation within the county in which the judicial proceedings
 18 are commenced or had, except as otherwise provided.

19 (b) When the notices or process are required to be
 20 published or advertised once or more in a given interval for or
 21 in a successive number of [such] intervals, the use of the
 22 word[~~,"successive,"~~] "successive" shall not be construed to



1 require publication in more than the stated number of intervals;
2 for example, a requirement of publication "once a week for (or
3 in) three successive [~~weeks,~~] weeks" shall require [~~but~~] only
4 three publications.

5 (c) Notwithstanding any law to the contrary, in all family
6 court cases, if the plaintiff or petitioner, as a result of
7 impoverishment, is unable to publish notice as required by
8 subsection (a), the plaintiff or petitioner shall file an
9 affidavit attesting to impoverishment and to the fact that,
10 after due and diligent search, the whereabouts of the individual
11 sought to be served are unknown. Upon such filings, the family
12 court shall order that service be made by forwarding a certified
13 copy of the pleadings and process to the defendant or respondent
14 at the defendant's or respondent's last known address by
15 registered or certified mail, with a return receipt requested
16 and a directive to deliver to addressee only, by sending a
17 certified copy of the pleadings and process to the defendant's
18 or respondent's closest known relative, if any can be found, and
19 by posting a copy of the pleadings and process at the courthouse
20 in which the pleadings and process have been filed. Service
21 shall be completed thirty days after mailing. The plaintiff or
22 petitioner shall attest to the fact of the mailing and the date



1 thereof by affidavit, attaching the plaintiff's or petitioner's
2 receipt for that mailing and, if available, the return receipt
3 and envelope."

4 SECTION 3. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on September 1,
10 2012.



Report Title:

Family Court; Service; Notice by Publication; Posting

Description:

Allows impoverished family court plaintiffs and petitioners to serve notice by posting pleadings at the courthouse in lieu of notice by publication, subject to order of the court, demonstration of a diligent search, and mailing of the pleadings to the defendant or respondent, and to the defendant's or respondent's closest known relative. Effective September 1, 2012. (SB3008 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

