

CHAPTER 575
UNIFORM DESERTION AND NONSUPPORT ACT
(MODIFIED)

Section

575-1 Repealed

575-2 Prima facie evidence; sequestration of money for
support of spouse or children

575-3 Complaint

575-4 Evidence; marriage, paternity, etc.

" **§575-1 REPEALED.** L 1972, c 9, §1.

" **§575-2 Prima facie evidence; sequestration of money for support of spouse or children.** The absence of any spouse or parent from the other spouse or child or children under the age of sixteen for a continuous period of three months or more without first making suitable provision for the support and maintenance of such spouse, child, or children shall be prima facie evidence of desertion and wilful neglect. In such case, and where it is known that such spouse or parent has money in the possession of a third party, the complaint, made under section 575-3, shall allege the continuous absence by the spouse or parent and the name of the third party possessing the money. The court in which the complaint is filed shall issue an order to the third party possessing the money to appear before it to show cause why the money shall not be applied to the maintenance and support of the spouse, the child, or children.

If, after a hearing for that purpose, the court is satisfied that there has been a continuous absence by the spouse or parent and a failure by the spouse or parent to make suitable provision for maintenance and support, and that there is money in the possession of the third party belonging to the spouse or parent, it shall make an order upon the third party to apply the money in the sum or sums in the manner and at the time or times as it may determine for the support and maintenance of the spouse or the child or children; provided that no order to apply the money shall be made unless a copy of the order to show cause is served upon the spouse or parent prior to the hearing; provided further that if the spouse or parent cannot be found, the order to show cause shall be published in a newspaper of general circulation and for the time as shall be designated by the order of the court. [L 1919, c 175, §1; RL 1925, §3015; RL 1935, §4501; RL 1945, §12252; RL 1955, §328-2; HRS §575-2; am L 1984, c 250, pt of §1]

" **§575-3 Complaint.** Proceedings under this chapter may be instituted upon complaint made under oath or affirmation by the spouse, child, or children, or either of them, by the child support enforcement agency, or by any other person or persons, or organization, against any person guilty of either of the above named offenses. [L 1913, c 83, §2; RL 1925, §3016; RL 1935, §4502; RL 1945, §12253; RL 1955, §328-3; HRS §575-3; am L 1984, c 250, pt of §1; am L 1986, c 332, §14]

" **§575-4 Evidence; marriage, paternity, etc.** No other or greater evidence shall be required to prove the marriage of the spouses, or that the defendant is the parent of the child or

children, than is required to prove such facts in a civil action. In no prosecution under this chapter shall any statute or rule of law prohibiting the disclosure of confidential communications between spouses apply, and both spouses shall be competent and compellable witnesses to testify against each other to any and all relevant matters, including the fact of such marriage and the parentage of such child or children; provided that neither shall be compelled to give self-incriminating evidence. Proof of the desertion of the spouse, child, or children in destitute or necessitous circumstances, or of neglect or refusal to provide for the support and maintenance of the spouse, child, or children, shall be prima facie evidence that the desertion, neglect, or refusal is wilful. [L 1925, c 164, §1; RL 1935, §4503; RL 1945, §12254; RL 1955, §328-4; HRS §575-4; am L 1984, c 250, pt of §1]