

JAN 18 2019

A BILL FOR AN ACT

RELATING TO AUTOMATIC RESTRAINING ORDERS.

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

1 SECTION 1. Section 580-10.5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Notwithstanding section 580-10, each party to a
4 complaint for annulment, divorce, or separation shall
5 automatically be subject to a restraining order that shall be
6 effective with regard to the plaintiff upon the filing of the
7 complaint and with regard to the defendant upon service of the
8 summons and complaint or any other acceptance of service by the
9 defendant. The restraining order shall specify that:

10 (1) Neither party shall sell, transfer, encumber, conceal,
11 assign, remove, or in any way dispose of any property,
12 real or personal, belonging to or acquired by either
13 party, except as:

14 (A) Required for reasonable expenses of living[+],
15 including expenses for reasonable living
16 accommodations;



- 1 (B) Occurring in the ordinary and usual course of
- 2 business;
- 3 (C) Required for payment of reasonable attorney's
- 4 fees and costs in connection with the action;
- 5 (D) Occurring pursuant to a written agreement of both
- 6 parties; or
- 7 (E) Required by order of the court;
- 8 provided that either party may sell, transfer,
- 9 encumber, assign, remove, or in any way dispose of any
- 10 real property belonging to or acquired by either party
- 11 if the disposal was pending prior to filing of the
- 12 complaint; provided further that the proceeds of the
- 13 disposal of the real property shall be held in escrow
- 14 until the entry of an annulment, divorce, or
- 15 separation decree;
- 16 (2) Neither party shall incur any further debts that would
- 17 burden the credit of the other party, including but
- 18 not limited to further borrowing against any credit
- 19 line secured by the marital residence or unreasonably
- 20 using credit cards or cash advances against credit or
- 21 bank cards; provided that this paragraph shall not



1 apply to reasonable amounts of debt necessary for
2 living and business expenses, including child
3 educational expenses and reasonable litigation fees
4 and costs for the pending action;

5 (3) Neither party shall directly or indirectly change the
6 beneficiary of any life insurance policy, pension or
7 retirement plan, or pension or retirement investment
8 account, except with the written consent of the other
9 party or by order of the court;

10 (4) Neither party shall directly or indirectly cause the
11 other party or a minor child to be removed from
12 coverage under an existing insurance policy, including
13 medical, dental, life, automobile, and disability
14 insurance. The parties shall maintain all insurance
15 coverage in full force and effect; and

16 (5) Neither party shall remove a minor child of the
17 parties from the island of that child's current
18 residence nor remove a minor child of the parties from
19 the school that child is currently attending."

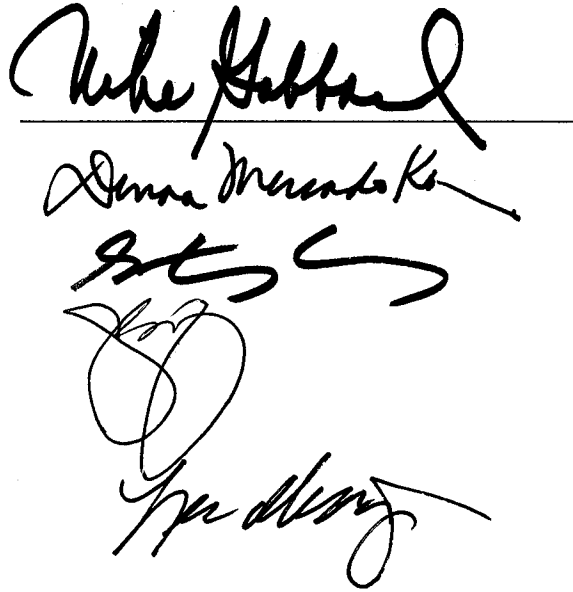
20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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

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INTRODUCED BY:

A series of handwritten signatures in black ink. The first signature is the largest and most prominent, appearing to read "Mike Galt". Below it are several other signatures, including one that appears to read "Dennis M..." and another that is more stylized and illegible. The signatures are arranged vertically, with the first one being the most prominent.



S.B. NO. 252

Report Title:

Automatic Restraining Orders; Disposition of Real Property;
Pending Transactions; Reasonable Living Accommodations

Description:

Clarifies that property may be disposed of if required for expenses for reasonable living accommodations. Allows disposal of real property if the disposal was pending prior to the filing for an annulment, divorce, or separation, with the proceeds of the disposal to be held in escrow until entry of the annulment, divorce, or separation decree.

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

