

**ACT 52**

A Bill for an Act Amending Chapter 324 of the Revised Laws of Hawaii 1955, as Amended, Relating to Divorce, Support, Maintenance and Custody.

*Be it Enacted by the Legislature of the State of Hawaii:*

**SECTION 1.** Section 324-31 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding to the end thereof the following:

“When a divorce is granted because of habitual drunkenness, habitual use of narcotics, or adultery, the court may in its discretion designate grievous mental suffering as the ground for divorce in the divorce decree, if it determines that such would be in the best interests of the children or would conduce toward rehabilitation of either party.

“Any provision to the contrary notwithstanding, if after a full hearing, the court or judge is of the opinion that a divorce from the bonds of matrimony ought to be granted, and there is a child or minor children of the marriage living or in posse, an interlocutory decree shall be signed, filed and entered adjudging that the party in whose favor the court or judge decides, is entitled to a divorce from the bonds of matrimony and granting such relief authorized by section 324-37 as may appear just and equitable, but such interlocutory decree shall not operate to dissolve the bonds of matrimony. After the entry of the interlocutory decree, neither party shall have the right to dismiss the action without the consent of the other. When one year has expired after the entry of such interlocutory decree, and no reconciliation between the parties has been effected, the court or judge on motion of either party, or upon its own motion, shall enter a final decree dissolving the bonds of matrimony and granting such other and further relief as may be necessary to complete disposition of the action;

provided, that upon all the children of the parties or any one of them reaching majority, or becoming married or otherwise emancipated, or upon the death of all the minor children or either party within one year after the entry of the interlocutory decree, the court or judge shall enter the final decree effective as of the date of such event; provided, further, that if any appeal has been taken from the judgment of divorce embodied in the interlocutory decree or if a motion for a new trial has been made, the final decree shall not be entered until such appeal or motion has been finally disposed of, nor then, if the judgment has been reversed or the motion granted."

SECTION 2. Chapter 324, Revised Laws of Hawaii 1955, as amended, is hereby amended by adding thereto a new section to be numbered "Section 324-39.5" and to read as follows:

**"Section 324-39.5. Enforcement of maintenance and alimony through court trustee.** Where there are minor children of the parties, the judge may designate a probation officer or any other officer of the court as ex-officio court trustee prior to making any order or decree for the support and maintenance of the wife and children. The court trustee shall investigate all matters pertinent to the determination of just and suitable allowances for the wife and children, and shall submit his findings and recommendations in writing to the judge. When or any time after the order or decree is made, the judge may authorize the court trustee to investigate and report periodically concerning default or delinquency in the payment of the allowances and any change in the physical or financial circumstances of either party or the children. The judge shall consider such periodic reports, and on motion of either party, or upon his own motion, the judge may revise the allowances and make such further decree or order as shall, from time to time, seem just and reasonable. The judge may, in his discretion, require the cost of any such investigation to be borne by the husband."

SECTION 3. Section 324-20 of the Revised Laws of Hawaii, 1955, as amended, is hereby further amended by adding thereto immediately following paragraph (h) two new paragraphs lettered (i) and (j) reading as follows:

"(i) Upon application of either party, when the parties have lived separate and apart under a decree of separation from bed and board entered by any court of competent jurisdiction, the term of separation has expired, no reconciliation has been effected, and the living together of the parties is insupportable.

"(j) Upon the application of either party, when the parties have lived separate and apart under a decree of separate maintenance entered by any court of competent jurisdiction for a period of more than two years, no reconciliation has been effected, and the living together of the parties is insupportable."

SECTION 4. Chapter 324 of the Revised Laws of Hawaii, 1955, is hereby amended by adding thereto a new section to be numbered and to read as follows:

**"Section 324-37.5 Alimony upon divorce after living separate and**

**apart.** Where separation from bed and board or separate maintenance was decreed upon a showing by the wife that the husband was at fault, the circuit judge sitting in divorce may, in his discretion, even if divorce proceedings are brought by the husband, decree the payment to the wife of alimony.”

**SECTION 5.** Section 324-65 of the Revised Laws of Hawaii, 1955, as amended, is hereby further amended to read as follows:

**“Section 324-65. Revocation or modification of separation decrees.** Where a decree of separation from bed and board has been entered, it may be revoked at any time thereafter, under such regulations and restrictions as the judge may impose, upon the joint application of the parties, and upon their producing satisfactory evidence of their reconciliation. The judge may also, for good cause shown from time to time, increase or decrease the period of separation decreed, provided that the maximum period of separation does not exceed two years from the effective date of the original decree of separation.”

**SECTION 6.** Sections 324-80, 324-81, 324-82 and 324-83, Revised Laws of Hawaii, 1955, as amended, are hereby repealed.

**SECTION 7.** This Act shall take effect upon its approval.  
(Approved May 8, 1965.) **H.B. 486.**