

**ACT 81**

**H. B. 673.**

A Bill for an Act Relating to the Interlocutory Decree of Divorce and Amending Section 324-31 of the Revised Laws of Hawaii 1955, as Amended.

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

SECTION 1. The third paragraph of section 324-31 of the Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

Any provision to the contrary notwithstanding, except as hereinafter provided regarding divorces granted pursuant to section 324-20(i) and 324-20(j), 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 of the parties less than eighteen years of age or in posse, an interlocutory decree, effective from and after such time as may be fixed by the court or judge in the decree not earlier than the date of final hearing and not later than one month after the date of the 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 or reserving for future determination 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 effective date 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 either attaining eighteen years of age or becoming married or otherwise emancipated or adopted or deceased, or upon the decease of either party, within one year after the effective date of the interlocutory decree, the court or judge upon motion and due proof of the facts 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. Motions for entry of final decree may be heard ex parte on affidavit or the court or judge may require notice to the other party or other interested persons and a hearing, as the circumstances and the interests of justice may dictate in the discretion of the court or judge.

**SECTION 2.** Section 324-31 of the Revised Laws of Hawaii 1955, as amended, is further amended by adding thereto a new fourth paragraph which shall read as follows:

If the parties have been separated for more than one year under a decree of separation or a decree of separate maintenance, then the court shall not enter an interlocutory decree but shall proceed to grant a divorce pursuant to the provisions of sections 324-20(i) and 324-20(j).

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

(Approved May 15, 1967.)