

A Bill for an Act Relating to Annulment, Divorce, and Separation.

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

SECTION 1. Purpose. The purpose of this Act is to amend sections of Chapter 580, Hawaii Revised Statutes, so that such chapter applies equally to males and females without discrimination against either by reason of their sex.

SECTION 2. Sections 580-9, 580-12, 580-13, 580-15, 580-24, 580-51, 580-74, Hawaii Revised Statutes, are amended to read as follows:

Sec. 580-9 Temporary support, etc. After the filing of a complaint for divorce or separation the court may make such orders relative to the personal liberty and support of either spouse pending the complaint as he may deem fair and reasonable and may enforce the orders by summary process. The court may also compel either spouse to advance reasonable amounts for the compensation of witnesses and other expenses of the trial, including attorney's fees, to be incurred by the other spouse and may from time to time amend and revise the orders.

Sec. 580-12 Sequestration of property. All property within the State of a party to a matrimonial action may by order of the court be sequestered and applied to the payment of any allowance in such action by the court for the support and maintenance of either spouse or for the support, maintenance, and education of minor children, whether temporary or permanent, where service or notice has been effected by any of the methods set forth in section 580-3.

Sec. 580-13 Security and enforcement of maintenance and alimony. Whenever the court makes an order or decree requiring a spouse to provide for the care, maintenance, and education of children, or for an allowance to the other spouse, the court may require the person subject to such order or decree to give reasonable security for such maintenance and allowance. Upon neglect or refusal to give the security, or upon default of the person subject to such order or decree and such person's surety to provide the maintenance and allowance, the court may sequester such person's personal estate, and the rents and profits of such person's real estate, and may appoint a receiver thereof and cause such person's personal estate and the rents and profits of such person's real estate to be applied towards such maintenance and allowance, as to the court shall from time to time seem just and reasonable.

Sec. 580-15 County attorneys to represent court. The county attorneys of Maui and Kauai and the corporation counsels of the city and county of Honolulu and the county of Hawaii, within their respective counties, shall when and to the extent authorized by their respective county governing bodies and upon request of the family court represent the court in any contempt proceedings for the enforcement of any order or decree for support of a spouse or child support or both.

Sec. 580-24 Allowance for spouse and family. Every person who is deceived into contracting an illegal marriage with a man or woman having another spouse living, under the belief that he or she was unmarried, may be entitled to a just allowance for the support of the deceived spouse and family out of the property of the deceiving spouse, which the deceived spouse may obtain at any time after action commenced upon application to the family court having jurisdiction. In addition to the allowance, the court may also compel the defendant to advance reasonable amounts for the compensation of witnesses and other reasonable expenses of trial to be incurred by the plaintiff.

Sec. 580-51 Modification of alimony on remarriage. Upon remarriage of a spouse in whose favor a final decree or order for support and maintenance has been made, the family court in the circuit in which the final decree or order was made, shall, upon application of any party in interest, or of anyone on such party's behalf, and proof of the remarriage of the spouse for whom support was ordered, after such notice to such spouse as the court may direct, rescind, and annul such decree or order as to support and maintenance of such spouse.

Sec. 580-74 Support of spouse and children. Upon decreeing a separation, the court may make such further decree for the support and maintenance of either spouse and for the support, maintenance, and education of minor children, by either spouse, or out of the property of either spouse, as may appear just and proper.

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 4. This Act shall take effect upon approval.

(Approved May 28, 1974.)

*Edited accordingly.