

ACT 140

H.B. NO. 1411

A Bill for an Act Relating to Separation.

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

SECTION 1. The purpose of this Act is to correlate the grounds for a separation from bed and board with the grounds for divorce, and to clarify the rights of parties who are separated under a decree of separation from bed and board to a divorce at a subsequent time.

SECTION 2. Section 580-71 Hawaii Revised Statutes is amended to read as follows:

“Sec. 580-71 Grounds for separation. The family court may decree a separation from bed and board for a period not to exceed two years in any matrimonial action upon a petition for separation when the court finds the marriage is temporarily disrupted.”

SECTION 3. The Hawaii Revised Statutes are amended by adding a new section to be numbered and to read as follows:

“Sec. 580-71.5 Separation no bar to divorce. Any party to a matrimonial action in which a decree of separation from bed and board has been entered, or any party to an action for separate maintenance in which a decree has been entered, may, notwithstanding the existence of such a decree, institute a matrimonial action and petition for the dissolution of that marriage, or any ground other than those set forth in sub-paragraphs (2) and (3) of Section 580-41, as amended, and in support of such petition may introduce evidence relating to events and facts occurring and existing both prior and subsequent to the entry of the decree of separation from bed and board in the prior matrimonial action, or the prior action for separate maintenance.”

SECTION 4. Statutory material to be repealed is bracketed.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 5. This Act shall take effect upon its approval.

(Approved May 27, 1976.)

*Edited accordingly.