

ACT 56

H. B. 266.

A Bill for an Act Amending Chapters 333 of the Revised Laws of Hawaii 1955, as Amended, Relating to Family Courts.

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

SECTION 1. Section 333-7 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by amending the first sentence of the last paragraph thereof to read as follows:

“Written notice of the referee’s findings and recommendations shall be given to the minor if he is of sufficient age to understand the nature of the notice, and to the parent, guardian, or custodian of such minor, in all cases heard by a referee coming within the provisions of section 333-8, except uncontested cases coming within subsections (c) through (h), and to all parties in contested adoption cases and in contested cases coming within the provisions of section 333-11.”

SECTION 2. Section 333-11 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new paragraph to be lettered “(f)” and to read as follows:

“(f) In all proceedings for support between parent and child or between husband and wife, and in all proceedings to appoint a guardian of the person of an adult.”

SECTION 3. Chapter 333 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section to be numbered section 333-27.5 and to read as follows:

“§ 333-27.5. Signing of papers. Unless otherwise specifically provided by law, any decree, order to show cause, injunction, summons, subpoena, warrant, or notice issued by the court in connection with any case or cause, shall have the same validity, force and effect whether signed by a judge, a referee, or a clerk of the court.”

SECTION 4. Section 333-23.5 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new paragraph to be lettered “(h)” and to read as follows:

“(h) The court may appoint a guardian ad litem to represent the interests of the child and may assess the reasonable fees and expenses of the guardian ad litem as costs of the action, payable in whole or in part by either or both parties as the circumstances may justify.”

SECTION 5. Chapter 333 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section to be numbered section 333-23.6 and to read as follows:

“§ 333-23.6. Determination of legitimacy of child born in wedlock. Whenever, in any action involving the custody or support of a child apparently born in lawful wedlock, the legitimacy of the child is placed in issue, the court may make the child a party to the action, if not already a party, and shall thereupon determine the legitimacy of the child as one of the issues in the action. The court shall appoint a guardian ad litem to represent the interests of the child and may assess the reasonable fees and expenses of the guardian ad litem as costs of the action, payable in whole or in part by any or all parties as the circumstances may justify. In the event the child is not made a party to the action, a determination that the child is illegitimate shall not be binding upon the child.”

SECTION 6. Chapter 333 of the Revised Laws of Hawaii 1955, as amended, is hereby further amended by adding thereto a new section to be appropriately numbered and to read as follows:

“§ 333-..... Assignment by court order of future wages for future payments of support. Whenever any person has been ordered to pay an allowance for the support, maintenance, or education of a minor child, or for the support and maintenance of a spouse or former spouse, and fails or refuses to obey or perform such order and has been adjudged guilty of contempt of court for such failure or refusal, the court may make an order which shall operate as an assignment by said person to the clerk of the court where such order is entered, for the benefit of the minor child or spouse, of such amounts at such times as may be specified in the order, from the salary, wages, or other income due or to become due in the future to such person from his employer or successor employers, until further order of the court. The order of assignment shall be effective immediately after service upon an employer of a true copy of the order, which service may be effected by certified or registered mail or by personal delivery. Thereafter, the employer shall for each pay period withhold from the salary, wages, or other

income due to said person from the employer, and not required to be withheld by any other provision of federal or state law, and transmit to the clerk of the court as set forth in the order, as much as may remain payable to said person for such pay period up to the amount specified in the order of assignment as being payable during the same period. The person ordered to pay shall inform the court immediately of any change which would affect the order of assignment or the disbursement thereof. An employer shall not use such order of assignment as a basis in whole or in part for the discharge of an employee or for any other disciplinary action against an employee. Compliance by an employer with the order of assignment shall operate as a discharge of the employer's liability to the employee for that portion of the employee's earnings withheld and transmitted to the clerk of court, whether or not the employer has withheld the correct amount. The term 'employer' as used in this section shall include the State and any political subdivision thereof."

SECTION 7. This Act shall take effect upon its approval.
(Approved May 11, 1967.)