

ACT 60

H. B. 622.

A Bill for an Act Amending Section 324-23 of the Revised Laws of Hawaii 1955, as Amended, Regarding Jurisdiction Over the Person and Property of a Party to a Matrimonial Action.

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

SECTION 1. Section 324-23, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“Section 324-23. Service. (a) The complaint for annulment, divorce or separation, and the summons shall be served by an authorized process server on the defendant personally if he is within the State, unless he enters an appearance in the case, and except as hereinafter otherwise provided.

(b) If service by an authorized process server is not feasible or is inconvenient or if the defendant is without the State, the court may authorize the service to be made by any other responsible person, or the court may

authorize notice of the pendency of the action and of a time and place of hearing, which shall be not less than twenty days after the giving of personal notice, to be given to the defendant personally by such person and in such manner as the court shall designate and the case may be heard and determined at or after the time specified in the notice.

(c) If the defendant is without the circuit, the court may authorize service by registered or certified mail, with request for a return receipt and direction to deliver to addressee only. The return receipt signed by the defendant shall be prima facie evidence that the defendant accepted delivery of the complaint and summons on the date set forth on the receipt. Actual receipt by the defendant of the complaint and summons sent by registered or certified mail shall be equivalent to personal service on the defendant by an authorized process server as of the date of such receipt.

(d) If it appears that the defendant has refused to accept service by mail, or is concealing himself, or evading service, or that plaintiff does not know the address or residence of the defendant and has not been able to ascertain the same after reasonable and due inquiry and search for at least fifteen days either before or after the filing of the complaint, the court may authorize notice of the pendency of the action and of a time and place of hearing, which shall not be less than twenty days after the last publication of the published notice, to be given to the defendant by publication thereof at least once in each of three successive weeks in a newspaper suitable for the advertisement of notices of judicial proceedings, published in the State, and the case may be heard and determined at or after the time specified in the notice.”

“Section 324-23.5. Sequestration of property. All property within the State of a defendant in 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 the plaintiff 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 324-23.”

SECTION 2. This Act shall take effect upon its approval.

(Approved May 11, 1967.)