

A Bill for an Act Relating to Divorce.

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

SECTION 1. Section 580-45, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 580-45 Decree. If after a full hearing, the court or judge is of opinion that a divorce ought to be granted, either from the bonds of matrimony or from bed and board, a decree shall be signed, filed, and entered, which shall take effect from and after such time as may be fixed by the court or judge in the decree. In case of a decree dissolving the bonds of matrimony, such time so fixed shall not be more than one month from and after the date of the decree.

“When a divorce is granted because of habitual drunkenness, habitual use of narcotics, or adultery, the court may in its discretion designate grievous mental suffering as the ground for divorce in the divorce decree, if it determines that such would be in the best interests of the children or would conduce toward rehabilitation of either party.

SECTION 2. Section 571-45, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 571-45 Investigation prior to disposition. Except where the requirement is waived by the judge a social study and a report in writing shall be made in the case of a minor concerning whom a petition has been filed under subsection 571-11(1) and (2). The study shall be initiated upon the filing of a petition except in petitions filed under 571-11(1) when it is ascertained that the minor denies the allegations set forth in the petition. In such case the study shall proceed only after the court after hearing has made a finding as to the allegations of the petition.

Except where the requirement is waived by the judge, social studies shall also be made in proceedings to decide disputed or undetermined legal custody and in custody disputes arising out of a divorce action. In all other awards of custody arising out of a divorce action, including those where an agreement with respect to custody has been made by the parties, and in any other case or class of cases, the judge may order a social study when he has reason to believe such action is necessary to assure adequate protection of the minor or of any other person involved in the case, provided that when custody of a child less than fourteen years of age arises out of a divorce action, the judge, prior to granting a final decree of divorce, shall order a social study to assure adequate protection of such minor. The judge by special order or by rule of court may require a social study in support cases covering financial ability and other matters pertinent to making an order of support. The use of such studies in custody and support hearings shall be subject to the applicable provisions of section 571-41.

Social studies required by this section shall be presented to and considered by the judge prior to making disposition.

The judge may order and use a presentence investigation with respect to any criminal action under the jurisdiction of the court in accordance with the existing provisions of the law with respect to the making and use of such studies.”

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 on July 1, 1971.

(Approved May 20, 1971.)

* Edited accordingly.