

ACT 17

S.B. NO. 480

A Bill for an Act Relating to the Family Court.

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

SECTION 1. Section 580-51, Hawaii Revised Statutes, is amended to read as follows:

“§580-51 Modification of alimony on remarriage. (a) Upon the remarriage of a [spouse] party 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.] all rights to receive and all duties to make payments for support and maintenance shall automatically terminate for all payments due after the date of the remarriage, unless the final decree or order, or an agreement of the parties approved by the final decree or order, provides specifically for the payments to continue after such remarriage.

(b) The remarried party shall file a notice of the remarriage with the court which made the order for support and maintenance and serve within thirty days of such marriage, by personal service or registered or certified mail, a copy of the notice on the former paying party. In any proceeding relating to the payment of support and maintenance to a remarried party, the failure of that party to file a notice of remarriage shall be considered by the court in awarding attorney’s fees and costs for the proceeding and in determining reimbursement to the former paying party.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved April 30, 1983.)