

ACT 187

H.B. NO. 1266

A Bill for an Act Relating to Annulment, Divorce, and Separation.

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

SECTION 1. Section 580-10, Hawaii Revised Statutes, is amended to read as follows:

“§580-10 Restraining [order.] orders; appointment of master. [Whenever it is made to appear to the court after the filing of any complaint, that a party thereto may dispose or encumber property, or any part thereof, the court may issue a restraining order to prevent such disposal or encumbrance, and shall enjoy in respect thereof the powers pertaining to a court of equity.] **(a) When a complaint for annulment, divorce, or separation, is filed in this state, the court, on an application by either party, supported by affidavit or a statement made under penalty or perjury, without a hearing, may enjoin and restrain each of the parties to that action from transferring, encumbering, wasting, or otherwise disposing of any of their property, whether real, personal, or mixed, over and above current income, except as necessary for the ordinary course of a business or for usual current living expenses, without the consent and concurrence of the other party to such action for divorce, or further specific order of the court. Where such restraining orders are issued against the other party to the action, such person shall be served promptly with the order and shall be entitled to a prompt hearing to show cause why such order should not be enforced.**

(b) In all actions for annulment, divorce, or separation, the court shall have the power to issue such restraining orders against a person or persons not a party to the action, as shall be reasonably required during the pendency of such action, to preserve the estates of the parties. Where such restraining orders are issued against a person or persons not a party to the action, such persons shall be

promptly served with the order and shall be entitled to a prompt hearing within a reasonable time to show cause why such order should not be enforced.

(c) In all actions for annulment, divorce, or separation, the court shall have the power to appoint a master, or masters, to make preliminary findings and to report to the court on any issue. The written reports of a master shall be available to interested parties and may be received in evidence if no objection is made; or if objection is made, may be received in evidence provided the person or persons responsible for the reports are available for cross-examination as to any matter contained therein. When a report is received in evidence, any party may introduce other evidence supplementing, supporting, modifying, or rebutting the whole or any part of the report."

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

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

(Approved June 6, 1983.)