
A BILL FOR AN ACT

RELATING TO CONTEMPT OF COURT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 571-81, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§571-81 Contempt of court.** (a) Any adult who wilfully
4 violates, neglects, or refuses to obey or perform any lawful
5 order of the court may be proceeded against for contempt of
6 court. Any adult found in contempt of court may be punished as
7 provided by law.

8 (b) When a court of competent jurisdiction issues an order
9 compelling a parent to furnish support, including child support,
10 medical support, or other remedial care, for the parent's child,
11 it shall constitute prima facie evidence of a civil contempt of
12 court upon proof that:

13 (1) The order was made, filed, and served on the parent or
14 proof that the parent was present in court at the time
15 the order was pronounced; and

16 (2) The parent did not comply with the order.

17 An order of civil contempt of court based on prima facie
18 evidence under this subsection shall clearly state that the



1 failure to comply with the order of civil contempt of court may
2 subject the parent to a penalty that may include imprisonment
3 or, if imprisonment is immediately ordered, the conditions that
4 must be met for release from imprisonment. A party may also
5 prove civil contempt of court by means other than prima facie
6 evidence under this subsection."

7 SECTION 2. Section 584-17, Hawaii Revised Statutes, is
8 amended by amending subsection (c) to read as follows:

9 "(c) Wilful failure to obey the judgment or order of the
10 court shall be a civil contempt of the court. All remedies for
11 the enforcement of judgments shall apply to this chapter. When
12 a court of competent jurisdiction issues an order compelling a
13 parent to furnish support, including child support, medical
14 support, or other remedial care, for the parent's child, it
15 shall constitute prima facie evidence of a civil contempt of
16 court upon proof that:

17 (1) The order was made, filed, and served on the parent or
18 proof that the parent was present in court at the time
19 the order was pronounced; and

20 (2) The parent did not comply with the order.

21 An order of civil contempt of court based on prima facie
22 evidence under this subsection shall clearly state that the



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2 subject to the parent to a penalty that may include imprisonment
3 or, if imprisonment is immediately ordered, the conditions that
4 must be met for release from imprisonment. A party may also
5 prove civil contempt of court by means other than prima facie
6 evidence under this subsection."

7 SECTION 3. Section 710-1077, Hawaii Revised Statutes, is
8 amended by amending subsection (6) to read as follows:

9 "(6) Nothing in this section shall be construed to alter
10 the court's power to punish civil contempt. When the contempt
11 consists of the refusal to perform an act which the contemnor
12 has the power to perform, the contemnor may be imprisoned until
13 the contemnor has performed it. In such a case the act shall be
14 specified in the warrant of commitment. In any proceeding for
15 review of the judgment or commitment, no presumption of law
16 shall be made in support of the jurisdiction to render the
17 judgment or order the commitment. When a court of competent
18 jurisdiction issues an order compelling a parent to furnish
19 support, including child support, medical support, or other
20 remedial care, for the parent's child, it shall constitute prima
21 facie evidence of a civil contempt of court upon proof that:



1 (1) The order was made, filed, and served on the parent or
2 proof that the parent was present in court at the time
3 the order was pronounced; and

4 (2) The parent did not comply with the order.

5 An order of civil contempt of court based on prima facie
6 evidence under this subsection shall clearly state that the
7 failure to comply with the order of civil contempt of court may
8 subject the parent to a penalty that may include imprisonment
9 or, if imprisonment is immediately ordered, the conditions that
10 must be met for release from imprisonment. A party may also
11 prove civil contempt of court by means other than prima facie
12 evidence under this subsection."

13 SECTION 4. This Act does not affect rights and duties that
14 matured and penalties that were incurred in civil contempt
15 proceedings that were begun, before its effective date.

16 SECTION 5. New statutory material is underscored.

17 SECTION 6. This Act shall take effect January 1, 2009.



Report Title:

Child Support Enforcement

Description:

Facilitates the enforcement of an order compelling a parent to pay child support, medical support, or other remedial care for his or her child, by providing that proof that the parent was present in court at the time the order was pronounced or that parent was served with the order, and proof that the parent did not comply with the order, constitutes prima facie evidence of a civil contempt of court. Requires an order of civil contempt to clearly state the possibility of imprisonment for failure to comply with said order. (CD1)

