

Under current law in the divorce statutes, a party may receive an order restraining the other party from selling property held by the parties by filing an affidavit with the court. The judge may also issue a restraining order preventing a party in a divorce action from molesting or disturbing the peace of the other party of any minor children of the marriage, a very simple procedure. Supposedly, Section 13 from the bill was supposed to have taken care of this problem. I will read that section to you and I hope you will listen very carefully. It states that Sections 10 to 13 of this act shall in no way affect a person's right to an injunction or temporary restraining order if such remedies are authorized by statute. It is my belief that this section does not solve the problem. The language which I just read speaks about a person's right to receive a restraining order. It does not deal with the standards which must be met for issuance of the restraining order by a judge. The high standard of irreparable injury would still apply and a party to a divorce action would have to prove irreparable injury before an order would be issued against the other party. I would like to cite you some examples of what could happen if this problem with the amendment is not rectified, and by rectification I do not mean, well, by rectification I mean the elimination of the amendment. Suppose a woman files for a divorce and is concerned that her husband will sell the family automobile. Under current law, she is able to get a temporary order preventing him from doing just that. However, selling an automobile is not an irreparable injury. So under this amendment, I do not believe that she would be able to stop him without some sort of notice. All of us know that under these kind of conditions, it could be impossible to deliver that kind of notice. Obviously, if the husband were going to engage in some kind of chicanery, he would not make himself available for notice, thereby, prevent delivery of that notice. I am also concerned about the standard of, for example, if a woman is in fear of being injured by her spouse. Many of you think this does not happen with some degree of regularity, but I can assure you that during my many years of experience in this body, I have been contacted many times by persons involved in divorce who fear greatly for their health and their safety, and, in fact, in some instances, for their lives. There are situations, for example, where a husband might tell his wife he will bust her nose if she files for divorce. Under current law, a judge issues a restraining order as a matter of course if