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## A BILL FOR AN ACT

RELATING TO ADOPTION.

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

1           SECTION 1. Section 571-61, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) Relinquishment. The parents or either parent or the  
4 surviving parent who desire to relinquish parental rights to any  
5 natural or adopted child and thus make the child available for  
6 adoption or readoption, may petition the family court of the  
7 circuit in which they or he or she resides, or of the circuit in  
8 which the child resides, or was born, for the entry of a  
9 judgment of termination of parental rights. The petition shall  
10 be verified and shall be substantially in such form as may be  
11 prescribed by the judge or senior judge of the family court.  
12 The petition may be filed at any time following the ~~[mother's~~  
13 ~~sixth month of pregnancy; provided that no judgment may be~~  
14 ~~entered upon a petition concerning an unborn child until after~~  
15 ~~the birth of the child and in respect to a legal parent or~~  
16 ~~parents until the petitioner or petitioners have filed in the~~  
17 ~~termination proceeding a written reaffirmation of their desires~~  
18 ~~as expressed in the petition or in respect to a legal parent or~~



1 ~~parents until the petitioner or petitioners have been given not~~  
2 ~~less than ten days' notice of a proposal for the entry of~~  
3 ~~judgment and an opportunity to be heard in connection with such~~  
4 ~~proposal.] birth of the child."~~

5 SECTION 2. Section 578-2, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) Persons required to consent to adoption. Unless  
8 consent is not required or is dispensed with under subsection  
9 (c) hereof, a petition to adopt a child may be granted only if  
10 written consent to the proposed adoption has been executed by:

11 (1) The mother of the child; provided that consent by the  
12 mother of the child:

13 (A) Cannot be executed before birth of the child; and

14 (B) Given within \_\_\_\_\_ days of the birth of the child  
15 is presumptively invalid;

16 (2) A legal father as to whom the child is a legitimate  
17 child;

18 (3) An adjudicated father whose relationship to the child  
19 has been determined by a court;

20 (4) A presumed father under section 578-2(d);

21 (5) A concerned natural father who is not the legal,  
22 adjudicated, or presumed father but who has



1 demonstrated a reasonable degree of interest, concern  
2 or responsibility as to the welfare of a child,  
3 either:

4 (A) During the first thirty days after such child's  
5 birth; or

6 (B) Prior to the execution of a valid consent by the  
7 mother of the child; or

8 (C) Prior to the placement of the child with adoptive  
9 parents;

10 whichever period of time is greater;

11 (6) Any person or agency having legal custody of the child  
12 or legally empowered to consent;

13 (7) The court having jurisdiction of the custody of the  
14 child, if the legal guardian or legal custodian of the  
15 person of the child is not empowered to consent to  
16 adoption;

17 (8) The child to be adopted if more than ten years of age,  
18 unless the court in the best interest of the child  
19 dispenses with the child's consent."

20 SECTION 3. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: Cindy Green

JAN 24 2007



**Report Title:**

Adoption; Withdrawal of Consent

**Description:**

Establishes a presumption that consent to the adoption given by the mother of the child within        days of birth is invalid. Prohibits the mother of a child to consent to adoption before birth of the child.

