
A BILL FOR AN ACT

RELATING TO DOMESTIC RELATIONS.

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

1 SECTION 1. The legislature finds that in 2011, Act 1,
2 Session Laws of Hawaii 2011 ("Act 1") was enacted into law. Act
3 1 established the status of civil unions in this State, which
4 granted eligible couples "all the same rights, benefits,
5 protections, and responsibilities under law, whether derived
6 from statutes, administrative rules, court decisions, the common
7 law, or any other source of civil law, as are granted to those
8 who contract, obtain a license, and are solemnized pursuant to
9 chapter 572", Hawaii Revised Statutes.

10 The legislature recognizes that the State, over time, has
11 woven into our laws a collection of rights, benefits, and
12 obligations applicable to married couples and families. Through
13 Act 1, the legislature intended that these rights and benefits
14 be applied identically to civil union partners. As correctly
15 stated by the house committee on judiciary in Standing Committee
16 Report No. 156 (2011), "It is the intention of your Committee
17 that this measure be liberally construed to provide equality of
18 rights, benefits, protections, and responsibilities to the



1 partners of a civil union. It is not the intention of your
2 Committee to omit any substantive rights, benefits, protections,
3 or responsibilities with respect to the application of this new
4 chapter to any current law, including any law relating to
5 parent-child relationships."

6 The purpose of this Act is to assure that the original
7 intent of Act 1 is fulfilled by making clarifying amendments to
8 select statutory provisions to:

- 9 (1) Settle potential confusion regarding the scope of Act
10 1's intent; and
- 11 (2) Clarify statutory language governing procedures and
12 processes to facilitate the implementation of Act 1.

13 In making these amendments, it is the intent of the legislature
14 to reconfirm and clarify the original intent of Act 1. Nothing
15 about this Act should be interpreted to weaken or lessen any of
16 the protections, obligations, rights, and responsibilities
17 governed by Act 1.

18 SECTION 2. Chapter 572B, Hawaii Revised Statutes, is
19 amended by adding two new sections to be appropriately
20 designated and to read as follows:

21 "572B- Construction. (a) This chapter shall be
22 liberally construed and applied to promote its underlying



1 purpose, which is to provide partners to a civil union with the
2 rights, benefits, protections, and responsibilities afforded or
3 recognized by the law of Hawaii to those who contract, obtain a
4 license, and are solemnized pursuant to chapter 572.

5 (b) Selected amendments to statutes, or failure to amend
6 all or portions of statutes, to include references to this
7 chapter, civil unions, or civil union partners, shall not be
8 interpreted as legislative intent to exclude any rights,
9 benefits, protections, or responsibilities from the scope of
10 section 572B-9 or this chapter.

11 **§572B- Transition from reciprocal beneficiary**
12 **relationship to civil union for same persons.** (a) When two
13 persons terminate their reciprocal beneficiary relationship and
14 enter into a civil union or have their union recognized as a
15 civil union, and both events occur substantially concurrently:

16 (1) All rights, benefits, or obligations that were
17 applicable to the persons based on their reciprocal
18 beneficiary relationship that are also applicable to
19 the persons based on their civil union relationship
20 pursuant to section 572B-9, shall be deemed
21 continuous, and any reference to the date of
22 commencement of the right, benefit, or obligation



1 shall be deemed to refer to the date the persons
2 accrued the right, benefit, or obligation under the
3 reciprocal beneficiary relationship;

4 (2) For purposes of calculating the duration of a
5 qualifying relationship, including with respect to
6 elective shares under section 560:2-202, but excluding
7 calculation for purposes of divorce, annulment, or
8 divorce proceedings, the duration of the qualifying
9 relationship shall be deemed to commence as of the
10 date of certificate of reciprocal beneficiary
11 relationship; and

12 (3) For any right or benefit for which there is a waiting
13 period or probationary period, including but not
14 limited to health insurance, no person shall treat the
15 conversion of a reciprocal beneficiary relationship to
16 a civil union as a change in status that restarts the
17 waiting period or probationary period solely on the
18 basis of the change in status.

19 (b) When two persons terminate their reciprocal
20 beneficiary relationship and subsequently enter into a civil
21 union or have their union recognized as a civil union, and there
22 are fewer than thirty days between the two events:



1 (1) All rights, benefits, or obligations that were
2 applicable to the persons based on their reciprocal
3 beneficiary relationship that are also applicable to
4 the persons based on their civil union relationship
5 pursuant to section 572B-9, shall be deemed
6 continuous, and any reference to the date of
7 commencement of the right, benefit, or obligation
8 shall be deemed to refer to the date the persons
9 accrued the right, benefit, or obligation under the
10 reciprocal beneficiary relationship;

11 (2) For purposes of calculating the duration of a
12 qualifying relationship, including with respect to
13 elective shares under section 560:2-202, but excluding
14 calculation for purposes of divorce, annulment, or
15 divorce proceedings, the duration of the qualifying
16 relationship shall be deemed to commence as of the
17 date of certificate of reciprocal beneficiary
18 relationship; provided that the gap between the
19 qualifying relationship shall be subtracted from this
20 period; and

21 (3) For any right or benefit for which there is a waiting
22 period or probationary period, including but not



1 limited to health insurance, the conversion of a
2 reciprocal beneficiary relationship to a civil union
3 may restart the waiting period or probationary period.

4 (c) When two persons terminate their reciprocal
5 beneficiary relationship and subsequently enter into a civil
6 union or have their union recognized as a civil union, and there
7 are thirty or more days between the two events:

8 (1) The rights, benefits, or obligations that were
9 applicable to the persons based on their reciprocal
10 beneficiary relationship that are also applicable to
11 the persons based on their civil union relationship
12 pursuant to section 572B-9, shall not be deemed
13 continuous;

14 (2) For purposes of calculating the duration of a
15 qualifying relationship, including with respect to
16 elective shares under section 560:2-202, but excluding
17 calculation for purposes of divorce, annulment, or
18 divorce proceedings, the duration of the qualifying
19 relationship shall be deemed to commence as of the
20 date of certificate of reciprocal beneficiary
21 relationship; provided that the gap between the



1 qualifying relationship shall be subtracted from this
2 period; and
3 (3) For any right or benefit for which there is a waiting
4 period or probationary period, including but not
5 limited to health insurance, the conversion of a
6 reciprocal beneficiary relationship to a civil union
7 may restart the waiting period or probationary
8 period."

9 SECTION 3. Chapter 584, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "**§584- Child of parents in a civil union.** The rights
13 and obligations of civil union partners with respect to a child
14 of whom either partner becomes the parent during the term of the
15 civil union shall be the same as those of a married couple with
16 respect to a child of whom either spouse or partner becomes the
17 parent during the marriage, including the presumption that a
18 partner of a civil union is presumed to be the natural parent of
19 a child conceived by the other partner where the biological
20 parent and the nonbiological partner are or have been in a civil
21 union and:



- 1 (1) The child is born while the civil union is in effect,
- 2 or within three hundred days after the civil union is
- 3 terminated by death, annulment, declaration of
- 4 invalidity, or divorce, or after a decree of
- 5 separation is entered by a court; or
- 6 (2) The nonbiological partner has shown indicia of
- 7 commitment to be a parent to the child."

8 SECTION 4. Section 88-1, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§88-1 Restrictions.** The provisions of this section shall
11 be applicable to every pension and to every recipient or
12 beneficiary thereof, granted or provided for by any special act
13 of the legislature (other than benefits, or the recipients
14 thereof, payable to beneficiaries or retirants of the employees'
15 retirement system under parts II, VII, and VIII) whether the
16 pension be payable by the State or by any county, or by any
17 board, commission, bureau, department, or other agency thereof:

- 18 (1) No recipient or beneficiary shall be permitted to draw
- 19 any pension, or any portion thereof, in excess of \$50
- 20 per month, while the recipient or beneficiary is
- 21 holding any salaried position or office in, under or
- 22 by authority of the United States, the State, or any



1 political subdivision thereof. This paragraph shall
2 not apply to any recipient or beneficiary who is
3 elected to the legislature or to the council of any
4 county.

5 (2) If the recipient or beneficiary is a surviving spouse
6 or reciprocal beneficiary, the pension so granted
7 shall cease when the surviving spouse or reciprocal
8 beneficiary remarries, marries, [~~or~~] enters into a new
9 civil union, or enters into a new reciprocal
10 beneficiary relationship.

11 (3) Any pension payable to any minor shall cease when the
12 minor reaches the age of eighteen years.

13 (4) If any recipient or beneficiary of a pension, having a
14 spouse or reciprocal beneficiary at the time the
15 pension was first granted to the recipient or
16 beneficiary dies, then the spouse or reciprocal
17 beneficiary, as long as the spouse or reciprocal
18 beneficiary remains unmarried, not in a civil union,
19 or not in a reciprocal beneficiary relationship, shall
20 be paid sixty per cent of the amount of the pension
21 payable to the beneficiary."



1 SECTION 5. Section 88-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§88-4 Medical aid, etc., when free. Every recipient of
4 any retirement allowance or pension payable by the State or by
5 any county or by any other governmental body or agency created
6 by or under the laws of the State who is actually and solely
7 dependent upon the recipient's retirement allowance or pension
8 for the recipient's maintenance and support or whose total
9 income in whatever form or from whatever source received,
10 including but not limited to, the recipient's retirement
11 allowance or pension and any income of the recipient's spouse or
12 reciprocal beneficiary is less than \$2,400 a year shall, for the
13 recipient and the recipient's spouse or reciprocal beneficiary,
14 be entitled to free medical treatment from any government
15 physician employed by the State or any county and to free
16 hospitalization at any state hospital or at a hospital where
17 county patients are treated at county expense in the county
18 wherein the recipient resides.

19 Whenever a retirant or pensioner having a spouse or
20 reciprocal beneficiary dies, then the spouse or reciprocal
21 beneficiary, as long as the spouse or reciprocal beneficiary
22 remains unmarried, does not enter into a civil union, and does



1 not enter into a reciprocal beneficiary relationship, shall be
2 eligible for benefits under this section."

3 SECTION 6. Section 88-85, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) In the case of an accidental death as determined by
6 the board pursuant to section 88-85.5, there shall be paid to
7 the member's designated beneficiary or to the member's estate
8 the amount of the member's accumulated contributions and there
9 shall be paid in lieu of the ordinary death benefit payable
10 under section 88-84, a pension of one-half of the average final
11 compensation of the member:

12 (1) To the surviving spouse or reciprocal beneficiary of
13 the member to continue until the surviving spouse or
14 reciprocal beneficiary remarries, marries, enters into
15 a new civil union, or enters into a new reciprocal
16 beneficiary relationship;

17 (2) If there be no surviving spouse or reciprocal
18 beneficiary, or if the surviving spouse or reciprocal
19 beneficiary dies or remarries, marries, enters into a
20 new civil union, or enters into a new reciprocal
21 beneficiary relationship before any child of the
22 deceased member shall have attained the age of



1 eighteen years, then to the deceased member's child or
2 children under the age of eighteen, divided in the
3 manner as the board in its discretion shall determine,
4 to continue as a joint and survivor pension of one-
5 half of the deceased member's final compensation until
6 every child dies, or attains the age of eighteen; or
7 (3) If there is no surviving spouse or reciprocal
8 beneficiary or child under the age of eighteen years
9 surviving the deceased member, then to the deceased
10 member's dependent father or dependent mother, as the
11 deceased member shall have nominated by written
12 designation duly acknowledged and filed with the
13 board, or if there is no nomination, then to the
14 deceased member's dependent father or to the deceased
15 member's dependent mother as the board, in its
16 discretion, shall direct to continue for life.

17 The pension shall be effective on the first day of the month
18 following the member's death, except for the month of December,
19 when benefits shall be effective on the first or last day of the
20 month."

21 SECTION 7. Section 88-93, Hawaii Revised Statutes, is
22 amended as follows:



1 1. By amending its title to read:

2 "§88-93 Named beneficiaries by members and by former
3 employees; effect of marriage, entry into civil union or
4 reciprocal beneficiary relationship, divorce, termination of
5 reciprocal beneficiary relationship, or death."

6 2. By amending subsection (a) to read:

7 "(a) All written designations of beneficiaries for members
8 and for former employees shall become null and void when:

9 (1) The beneficiary predeceases the member or former
10 employee;

11 (2) The member or former employee is divorced from the
12 beneficiary;

13 (3) The member or former employee is unmarried, and
14 subsequently marries; [~~or~~]

15 (4) The member or former employee is single, and
16 subsequently enters into a civil union; or

17 [~~4~~] (5) The member or former employee enters into or
18 terminates a reciprocal beneficiary relationship.

19 Any of the above events shall operate as a complete revocation
20 of the designation and, except as provided in sections 88-84(b)
21 and 88-338(b) all benefits payable by reason of the death of the
22 member or former employee shall be payable to the member's or



1 former employee's estate unless, after the death, divorce [~~or~~],
2 marriage, entry into a civil union, or entry into or termination
3 of reciprocal beneficiary relationship, the member or former
4 employee makes other provision in a written designation duly
5 executed and filed with the board."

6 SECTION 8. Section 88-163, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By amending subsection (a) to read:

9 "(a) Upon the death of any member of the police force,
10 fire department, or band, as a result of any injury received or
11 disease contracted while in the performance of his duty, or when
12 entitled to a pension under this part or who has been pensioned
13 under this part there shall be paid, for funeral expenses, a sum
14 not to exceed \$100. Should the deceased member leave a
15 dependent widow or reciprocal beneficiary and a child or
16 children under the age of eighteen years, then there shall be
17 paid out of the system \$50 per month to the widow until her
18 death [~~or~~], remarriage, or entry into a new civil union, or to
19 the reciprocal beneficiary until death, marriage, entry into a
20 new civil union, or entry into a new reciprocal beneficiary
21 relationship and \$7.50 per month to the widow or reciprocal
22 beneficiary for each child so long as the child shall reside



1 with the widow or reciprocal beneficiary or is supported by the
2 widow or reciprocal beneficiary. Upon the death of such widow
3 or reciprocal beneficiary, or in the event the deceased member
4 leaves no widow or reciprocal beneficiary but a child or
5 children under the age of eighteen years, then there shall be
6 paid out of the system \$50 per month to the child or children of
7 the deceased member under the age of eighteen years with each
8 child, if there be more than one, receiving an equal share of
9 the \$50 per month payment plus \$7.50 per month. All payments to
10 a child of a deceased member provided for herein shall cease
11 when he or she arrives at the age of eighteen years."

12 2. By amending subsection (c) as follows:

13 "(c) On the remarriage or entry into a civil union of any
14 widow or reciprocal beneficiary entitled to the benefits of any
15 sum, or in the event of any father or mother, brothers or
16 sisters ceasing to be dependents then the payments to them shall
17 cease."

18 SECTION 9. Section 88-189, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§88-189 Widow's, widower's, and reciprocal beneficiary's**
21 **pensions.** The widow and widower [~~or~~], civil union partner, or
22 reciprocal beneficiary of any deceased man or woman, who have



1 been previously granted or are found subsequent to his or her
2 death to have been entitled to a pension under this part, or to
3 have had ten or more years of service although he or she had not
4 reached the age of sixty years, shall be eligible for a pension
5 equal to the same amount, including all the bonuses provided in
6 section 88-11, and all other benefits, that the said deceased
7 was receiving or entitled to receive at the time of his or her
8 death, and all future benefits deriving thereto, so long as the
9 widow, widower, civil union partner, or reciprocal beneficiary
10 remains unmarried [~~or~~], has not entered into a new civil union,
11 or has not entered into a new reciprocal beneficiary
12 relationship."

13 SECTION 10. Section 88-286, Hawaii Revised Statutes, is
14 amended by amending subsections (b) and (c) to read as follows:

15 "(b) In the case of ordinary death, the death benefit
16 shall be as follows:

17 (1) For the surviving spouse or reciprocal beneficiary, an
18 allowance equal to one-half of the member's accrued
19 maximum retirement allowance unreduced for age,
20 payable until remarriage, marriage, entry into a new
21 civil union, or entry into a new reciprocal
22 beneficiary relationship, as if the member had retired



1 on the first day of a month following the member's
2 death, except for the month of December when
3 retirement on the first or last day of the month shall
4 be allowed; and for each child under the age of
5 eighteen an allowance equal to ten per cent of the
6 member's accrued maximum retirement allowance
7 unreduced for age, payable until the child attains age
8 eighteen; provided that the aggregate death benefits
9 for all the children under the age of eighteen shall
10 not exceed twenty per cent of the member's accrued
11 retirement allowance unreduced for age; or
12 (2) For the surviving spouse or reciprocal beneficiary, if
13 the member was eligible for retirement at the time of
14 death in service, and death occurred after June 30,
15 1990, an allowance that would have been payable as if
16 the member had retired on the first day of a month
17 following the member's death, except for the month of
18 December when retirement on the first or last day of
19 the month shall be allowed and had elected to receive
20 a retirement allowance under option B of section
21 88-283; and



1 (3) If there is no surviving spouse or reciprocal
2 beneficiary, each child under the age of eighteen
3 shall receive an allowance equal to twenty per cent of
4 the member's accrued maximum retirement allowance
5 unreduced for age, payable on the first day of a month
6 following the member's death, except for the month of
7 December when retirement on the first or last day of
8 the month shall be allowed, until the child attains
9 age eighteen; provided that the aggregate death
10 benefits for all the children under the age of
11 eighteen shall not exceed forty per cent of the
12 member's accrued maximum retirement allowance
13 unreduced for age.

14 For the purpose of determining eligibility for the ordinary
15 death benefit, a year round school employee shall be considered
16 in service during the July and August preceding a transfer to a
17 traditional school schedule if the employee was in service for
18 the entire prior school year and has a contract for the upcoming
19 traditional school year. The application for ordinary death
20 benefits shall be filed no later than three years from the date
21 of the member's death.



1 (c) In the case of accidental death as determined by the
2 board pursuant to section 88-85.5, the death benefit shall be
3 effective on the first day of the month following the member's
4 death, except for the month of December when retirement on the
5 first or last day of the month shall be allowed, as follows:

6 (1) For the surviving spouse or reciprocal beneficiary, an
7 allowance equal to thirty per cent of the member's
8 average final compensation, payable until remarriage,
9 marriage, entry into a new civil union, or upon entry
10 into a new reciprocal beneficiary relationship;

11 (2) If there is a surviving spouse or reciprocal
12 beneficiary, each child under the age of eighteen
13 shall receive an allowance equal to the greater of:

14 (A) Ten per cent of the member's accrued maximum
15 retirement allowance unreduced for age; provided
16 that the aggregate death benefits for all the
17 children under the age of eighteen shall not
18 exceed twenty per cent of the member's accrued
19 maximum retirement allowance unreduced for age;
20 or

21 (B) Three per cent of the member's average final
22 compensation; provided that the aggregate death



1 benefits for all the children under the age of
2 eighteen shall not exceed six per cent of the
3 member's average final compensation.

4 The death benefit under this paragraph shall be
5 payable to each child until the child attains age
6 eighteen; and

7 (3) If there is no surviving spouse or reciprocal
8 beneficiary, each child under the age of eighteen
9 shall receive an allowance equal to the greater of:

10 (A) Twenty per cent of the member's accrued maximum
11 retirement allowance unreduced for age; provided
12 that the aggregate death benefits for all the
13 children under the age of eighteen shall not
14 exceed forty per cent of the member's accrued
15 maximum retirement allowance unreduced for age;
16 or

17 (B) Six per cent of the member's average final
18 compensation; provided that the aggregate death
19 benefits for all the children under the age of
20 eighteen shall not exceed twelve per cent of the
21 member's average final compensation.



1 The death benefit under this paragraph shall be
2 payable to each child until the child attains age
3 eighteen."

4 SECTION 11. Section 88-339, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) In the case of an accidental death as determined by
7 the board pursuant to section 88-85.5, there shall be paid to
8 the member's designated beneficiary or to the member's estate
9 the amount of the member's accumulated contributions and there
10 shall be paid in lieu of the ordinary death benefit payable
11 under section 88-338 a pension of one-half of the average final
12 compensation of the member:

13 (1) To the surviving spouse or reciprocal beneficiary of
14 the member to continue until the surviving spouse or
15 reciprocal beneficiary remarries, marries, enters into
16 a new civil union, or enters into a new reciprocal
17 beneficiary relationship;

18 (2) If there be no surviving spouse or reciprocal
19 beneficiary, or if the surviving spouse or reciprocal
20 beneficiary dies or remarries, marries, enters into a
21 new civil union, or enters into a new reciprocal
22 beneficiary relationship before any child of the



1 deceased member shall have attained the age of
2 eighteen years, then to the deceased member's child or
3 children under that age, divided in a manner as the
4 board in its discretion shall determine, to continue
5 as a joint and survivor pension of one-half of the
6 deceased member's final compensation until every child
7 dies, or attains that age; or

8 (3) If there is no surviving spouse or reciprocal
9 beneficiary and no child under the age of eighteen
10 years surviving the deceased member, then to the
11 deceased member's dependent father or dependent
12 mother, as the deceased member shall have nominated by
13 written designation duly acknowledged and filed with
14 the board, or if there is no nomination, then to the
15 deceased member's dependent father or to the deceased
16 member's dependent mother as the board, in its
17 discretion, shall direct to continue for life.

18 The pension shall be effective on the first day of the month
19 following the member's death, except for the month of December,
20 when benefits shall be effective on the first or last day of the
21 month."



1 SECTION 12. Section 378-2, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) It shall be an unlawful discriminatory practice:

4 (1) Because of race, sex, including gender identity or
5 expression, sexual orientation, age, religion, color,
6 ancestry, disability, marital or civil union status,
7 arrest and court record, or domestic or sexual
8 violence victim status if the domestic or sexual
9 violence victim provides notice to the victim's,
10 employer of such status or the employer has actual
11 knowledge of such status:

12 (A) For any employer to refuse to hire or employ or
13 to bar or discharge from employment, or otherwise
14 to discriminate against any individual in
15 compensation or in the terms, conditions, or
16 privileges of employment;

17 (B) For any employment agency to fail or refuse to
18 refer for employment, or to classify or otherwise
19 to discriminate against, any individual;

20 (C) For any employer or employment agency to print,
21 circulate, or cause to be printed or circulated
22 any statement, advertisement, or publication or



1 to use any form of application for employment or
2 to make any inquiry in connection with
3 prospective employment, that expresses, directly
4 or indirectly, any limitation, specification, or
5 discrimination;

6 (D) For any labor organization to exclude or expel
7 from its membership any individual or to
8 discriminate in any way against any of its
9 members, employer, or employees; or

10 (E) For any employer or labor organization to refuse
11 to enter into an apprenticeship agreement as
12 defined in section 372-2; provided that no
13 apprentice shall be younger than sixteen years of
14 age;

15 (2) For any employer, labor organization, or employment
16 agency to discharge, expel, or otherwise discriminate
17 against any individual because the individual has
18 opposed any practice forbidden by this part or has
19 filed a complaint, testified, or assisted in any
20 proceeding respecting the discriminatory practices
21 prohibited under this part;



- 1 (3) For any person, whether an employer, employee, or not,
2 to aid, abet, incite, compel, or coerce the doing of
3 any of the discriminatory practices forbidden by this
4 part, or to attempt to do so;
- 5 (4) For any employer to violate the provisions of section
6 121-43 relating to nonforfeiture for absence by
7 members of the national guard;
- 8 (5) For any employer to refuse to hire or employ or to bar
9 or discharge from employment any individual because of
10 assignment of income for the purpose of satisfying the
11 individual's child support obligations as provided for
12 under section 571-52;
- 13 (6) For any employer, labor organization, or employment
14 agency to exclude or otherwise deny equal jobs or
15 benefits to a qualified individual because of the
16 known disability of an individual with whom the
17 qualified individual is known to have a relationship
18 or association;
- 19 (7) For any employer or labor organization to refuse to
20 hire or employ, bar or discharge from employment,
21 withhold pay from, demote, or penalize a lactating
22 employee because the employee breastfeeds or expresses



1 milk at the workplace. For purposes of this
2 paragraph, the term "breastfeeds" means the feeding of
3 a child directly from the breast; or
4 (8) For any employer to refuse to hire or employ, bar or
5 discharge from employment, or otherwise to
6 discriminate against any individual in compensation or
7 in the terms, conditions, or privileges of employment
8 of any individual because of the individual's credit
9 history or credit report, unless the information in
10 the individual's credit history or credit report
11 directly relates to a bona fide occupational
12 qualification under section 378-3(2)."

13 SECTION 13. Section 501-23, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§501-23 Application, form, and contents.** The application
16 shall be in writing, signed, and sworn to by the applicant or by
17 some person duly authorized in the applicant's behalf. If there
18 is more than one applicant, the application shall be signed and
19 sworn to by, or in behalf of, each. It shall contain a
20 description of the land, with a statement of the estate or
21 interest of the applicant in the land. It shall state whether
22 the applicant is married[7] or a partner in a civil union, and



1 if married[~~r~~] or a partner in a civil union, the name in full of
2 the wife [~~w~~], husband, or civil union partner, the time and
3 place of marriage[~~r~~] or civil union, and the name and office of
4 the officer performing the [~~m~~] solemnization ceremony;
5 and if unmarried, whether the applicant has been married[~~r~~] or a
6 partner in a civil union, and if so, when and how the marriage
7 relation or civil union terminated; and if by divorce, when,
8 where, and by what court the divorce was granted[~~r~~]; or single.

9 It shall also state the name in full and the address of the
10 applicant and also the names and addresses of the adjoining
11 owners and occupants, if known; and if not known, it shall state
12 what search has been made to find them. If the applicant has
13 been known by more than one name, the applicant shall state all
14 the applicant's names in full. It may be in form as follows:

15 State of Hawaii.

16 To the Honorable Judge of the Land Court:

17 I (or we), the undersigned, hereby apply to have the land
18 herein described brought under the operation and provisions of
19 chapter 501 of the Hawaii Revised Statutes and to have my (or
20 our) title therein registered and confirmed as an absolute
21 (qualified or possessory) title. And I (or we) declare:



- 1 (1) That I am (or we are) the owner (or owners) in fee
2 simple of a certain parcel of land, with the buildings
3 (if any, and if not, strike out the clause), situate
4 in (here insert accurate description).
- 5 (2) That the land at the last assessment for taxation was
6 assessed at....dollars; and the buildings (if any)
7 at....dollars.
- 8 (3) That I (or we) do not know of any mortgage or
9 encumbrance affecting the land, or that any other
10 person has any estate or interest therein, legal or
11 equitable, in possession, remainder, reversion, or
12 expectancy. (If any, add "other than as follows," and
13 set forth each clearly.)
- 14 (4) That I (or we) obtained title (if by deed, state name
15 of grantor, date, and place of record, and file the
16 deed, or state reason for not filing. If in any other
17 way, state it).
- 18 (5) That the land is....occupied (state name in full,
19 residence and post office address of occupant and the
20 nature of the occupancy. If unoccupied, insert
21 "not").



1 (6) That the names in full and addresses as far as known
 2 to me (or us) of the occupants of all lands adjoining
 3 the land are as follows: (give post office address,
 4 street, and number wherever possible. If names not
 5 known, state whether inquiry has been made, and what
 6 inquiry.)

7 (7) That the names and addresses so far as known to me (or
 8 us) of the owners of all lands adjoining above land
 9 are as follows: (same directions as above.)

10 (8) That I am (or we are) married or a partner (or
 11 partners) in a civil union (follow literally the
 12 directions given in section 501-23.)

13 (9) That my (or our) full name (or names), residence and
 14 post office address are as follows:

15

16 Dated: (Schedule of documents.)

17

18

.....

19

(Signature).

20

21 State of Hawaii } ss.

22



1 Dated:

2

3 Then personally appeared the above named.....
4 known to me to be the signer (or signers) of the foregoing
5 application, and made oath before me, that the statements made
6 therein, so far as made of the signer (or signers) own knowledge
7 are true, and so far as made upon information and belief, that
8 the signer (or signers) believes them to be true.

9

10 , Notary Public."

11 SECTION 14. Section 501-74, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§501-74 Decree, contents of.** Every decree of
14 registration shall bear the date of the year, day, hour, and
15 minute of its entry, and shall be signed by the registrar. It
16 shall state whether the owner is married [~~or~~], unmarried, a
17 partner in a civil union, or single; and if married or a partner
18 in a civil union, the full name of the husband [~~or~~], wife[-], or
19 partner. If the owner (or spouse or partner of the owner) has
20 been known by more than one name, all the names of such person
21 shall be stated. [~~The wife's maiden name and surname~~] If a
22 person's surname has been changed due to marriage or civil



1 union, then both surnames shall be stated in all cases. If the
2 owner is under disability it shall state the nature of the
3 disability, and if a minor, shall state the minor's age. It
4 shall contain a description of the land as finally determined by
5 the court; and shall set forth the estate of the owner, and
6 also, in such manner as to show their relative priority, all
7 particular estates, mortgages, easements, liens, attachments,
8 and other encumbrances including rights of husband or wife, if
9 any, to which the land or the owner's estate is subject; and may
10 contain any other matter properly to be determined in pursuance
11 of this chapter. The decree shall be stated in a convenient
12 form for transcription upon the certificate of title hereinafter
13 mentioned."

14 SECTION 15. Section 501-105, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§501-105 Grantee's address, etc., to be stated.** Every
17 deed or other voluntary instrument presented for recording shall
18 contain or have indorsed upon it the full name or names, if more
19 than one, and the address of the grantee or other person
20 acquiring or claiming an interest under the instrument and every
21 document shall also contain or have indorsed upon it a statement
22 that the grantee is married [~~or~~], unmarried, a partner in a



1 civil union, or single, and if married[-] or a partner in a
2 civil union, the statement shall give the name in full of the
3 husband [~~or~~], wife[-], or partner. Whenever the grantee is a
4 corporation or partnership, the document shall contain or have
5 indorsed upon it the state where the entity is registered and
6 the entity's address. All names and addresses shall also be
7 entered on all certificates. Notices and processes issued in
8 relation to registered land in pursuance of this chapter may be
9 served upon any person in interest by mailing the same to the
10 address so given, and shall be binding whether such person
11 resides within or without the State.

12 Any deed conveying one or more but not all lots or all
13 interests in a lot appurtenant to apartments or units in a
14 condominium project in a certificate shall contain full
15 memoranda relating to easements, rights-of-way, and all other
16 liens and encumbrances affecting the particular lot, lots,
17 interest appurtenant to an apartment or unit, or interests
18 appurtenant to apartments or units conveyed. If the deed
19 affects all of the land or interests appurtenant to apartments
20 or units in a certificate of title, encumbrances may be referred
21 to by reference."



1 SECTION 16. Section 501-196, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§501-196 Alterations upon registration book prohibited**
4 **when; court hearings; limitations.** (a) No erasure, alteration,
5 or amendment shall be made upon the registration book after the
6 entry of a certificate of title or of a memorandum thereon, and
7 the approval of the same by the registrar or an assistant
8 registrar except by order of the court recorded with the
9 assistant registrar, provided that the registrar or assistant
10 registrar may correct any clerical error made by personnel of
11 the registrar's or assistant registrar's office.

12 (b) Any registered owner or other person in interest may
13 at any time apply by petition to the court, upon the ground that
14 registered interests of any description, whether vested,
15 contingent, expectant, or inchoate have terminated and ceased;
16 or that new interests have arisen or been created which do not
17 appear upon the certificate; or that any error, omission, or
18 mistake was made in entering a certificate or any memorandum
19 thereon; or that the name of any person on the certificate has
20 been changed; or that the registered owner has been married, or
21 if registered as married that the marriage has been terminated;
22 or that the registered owner has entered into a civil union, or



1 if registered as a civil union partner that the civil union has
2 been terminated; or to note that the basis of holding registered
3 property as tenants by the entirety has changed from reciprocal
4 beneficiaries to civil unions partners; or that a corporation
5 which owned registered land and has been dissolved has not
6 conveyed the same within three years after its dissolution, or
7 upon any other reasonable ground.

8 (c) The court shall have jurisdiction to hear and
9 determine the petition after notice to all parties in interest
10 and may order the entry of a new certificate, the entry or
11 cancellation of a memorandum upon a certificate, or grant any
12 other relief upon such terms and conditions, requiring security
13 if necessary, as it may deem proper. This section shall not be
14 construed to give the court authority to open the original
15 decree of registration, and nothing shall be done or ordered by
16 the court which impairs the title or other interest of a
17 purchaser holding a certificate for value and in good faith, or
18 the purchaser's heirs or assigns, without the purchaser's or
19 their written consent.

20 (d) Any petition filed under this section and all
21 petitions and motions filed under this chapter after original



1 registration shall be filed and entitled in the original case in
2 which the decree of registration was entered."

3 SECTION 17. Section 509-2, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§509-2 Creation of joint tenancy, tenancy by the**
6 **entirety, and tenancy in common.** (a) Land, or any interest
7 therein, or any other type of property or property rights or
8 interests or interest therein, may be conveyed by a person to
9 oneself and another or others as joint tenants, or by a person
10 to oneself and one's spouse [~~or~~], civil union partner, or
11 reciprocal beneficiary, or by spouses to themselves, [~~or~~] by
12 civil union partners to themselves, or by reciprocal
13 beneficiaries to themselves, as tenants by the entirety, or by
14 joint tenants to themselves and another or others as joint
15 tenants, or tenants in common to themselves or to themselves and
16 another or others as joint tenants, or by tenants by the
17 entirety to themselves or themselves and another or others as
18 joint tenants or as tenants in common, or by one tenant by the
19 entirety to the tenant's spouse [~~or~~], civil union partner, or
20 reciprocal beneficiary of all of the tenant's interest or
21 interests, without the necessity of conveying through a third
22 party, and each such instrument shall be construed as validly



1 creating a joint tenancy, tenancy by the entirety, tenancy in
2 common, or single ownership, as the case may be, if the tenor of
3 the instrument manifestly indicates such intention.

4 (b) When two reciprocal beneficiaries hold property as
5 tenants by the entirety and subsequently enter into a civil
6 union with each other, the persons shall continue to hold the
7 property as tenants by the entirety and the tenancy shall not be
8 converted to a tenancy in common upon termination of the
9 reciprocal beneficiary relationship, provided that the
10 termination of the reciprocal beneficiary relationship and the
11 solemnization of the civil union is concurrent.

12 [~~b~~] (c) For the purposes of this chapter:

13 "Civil union" means a union between two adult persons that
14 is entered into or recognized as a civil union under chapter
15 572B.

16 "Civil union partner" means an adult who is a party to a
17 civil union.

18 "Reciprocal beneficiary" means an adult who is a party to a
19 registered reciprocal beneficiary relationship in accordance
20 with chapter 572C, and has a valid certificate of reciprocal
21 beneficiary relationship that has not been terminated."



1 SECTION 18. Section 515-3, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§515-3 **Discriminatory practices.** It is a discriminatory
4 practice for an owner or any other person engaging in a real
5 estate transaction, or for a real estate broker or salesperson,
6 because of race, sex, including gender identity or expression,
7 sexual orientation, color, religion, marital or civil union
8 status, familial status, ancestry, disability, age, or human
9 immunodeficiency virus infection:

- 10 (1) To refuse to engage in a real estate transaction with
11 a person;
- 12 (2) To discriminate against a person in the terms,
13 conditions, or privileges of a real estate transaction
14 or in the furnishing of facilities or services in
15 connection with a real estate transaction;
- 16 (3) To refuse to receive or to fail to transmit a bona
17 fide offer to engage in a real estate transaction from
18 a person;
- 19 (4) To refuse to negotiate for a real estate transaction
20 with a person;
- 21 (5) To represent to a person that real property is not
22 available for inspection, sale, rental, or lease when



1 in fact it is available, or to fail to bring a
2 property listing to the person's attention, or to
3 refuse to permit the person to inspect real property,
4 or to steer a person seeking to engage in a real
5 estate transaction;

6 (6) To offer, solicit, accept, use, or retain a listing of
7 real property with the understanding that a person may
8 be discriminated against in a real estate transaction
9 or in the furnishing of facilities or services in
10 connection with a real estate transaction;

11 [†] (7) [†] To solicit or require as a condition of engaging in a
12 real estate transaction that the buyer, renter, or
13 lessee be tested for human immunodeficiency virus
14 infection, the causative agent of acquired
15 immunodeficiency syndrome;

16 [†] (8) [†] To refuse to permit, at the expense of a person with a
17 disability, reasonable modifications to existing
18 premises occupied or to be occupied by the person if
19 modifications may be necessary to afford the person
20 full enjoyment of the premises; provided that a real
21 estate broker or salesperson, where it is reasonable
22 to do so, may condition permission for a modification



1 on the person agreeing to restore the interior of the
2 premises to the condition that existed before the
3 modification, reasonable wear and tear excepted;
4 [†] (9) [†] To refuse to make reasonable accommodations in rules,
5 policies, practices, or services, when the
6 accommodations may be necessary to afford a person
7 with a disability equal opportunity to use and enjoy a
8 housing accommodation; provided that if reasonable
9 accommodations include the use of an animal,
10 reasonable restrictions may be imposed;
11 [†] (10) [†] In connection with the design and construction of
12 covered multifamily housing accommodations for first
13 occupancy after March 13, 1991, to fail to design and
14 construct housing accommodations in such a manner
15 that:
16 (A) The housing accommodations have at least one
17 accessible entrance, unless it is impractical to
18 do so because of the terrain or unusual
19 characteristics of the site; and
20 (B) With respect to housing accommodations with an
21 accessible building entrance:



- 1 (i) The public use and common use portions of
- 2 the housing accommodations are accessible to
- 3 and usable by persons with disabilities;
- 4 (ii) Doors allow passage by persons in
- 5 wheelchairs; and
- 6 (iii) All premises within covered multifamily
- 7 housing accommodations contain an accessible
- 8 route into and through the housing
- 9 accommodations; light switches, electrical
- 10 outlets, thermostats, and other
- 11 environmental controls are in accessible
- 12 locations; reinforcements in the bathroom
- 13 walls allow installation of grab bars; and
- 14 kitchens and bathrooms are accessible by
- 15 wheelchair; or

16 [+] (11) [+] To discriminate against or deny a person access to, or
17 membership or participation in any multiple listing
18 service, real estate broker's organization, or other
19 service, organization, or facility involved either
20 directly or indirectly in real estate transactions, or
21 to discriminate against any person in the terms or
22 conditions of access, membership, or participation."



1 SECTION 19. Section 572-1.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~§~~572-1.5[~~§~~] **Definition of marriage.** Whenever used in
4 the statutes or other laws of Hawaii, "marriage" means the union
5 licensed under section 572-1[~~§~~] or recognized under section
6 572-3."

7 SECTION 20. Section 572-3, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~§~~572-3 **Contracted without the State.** Marriages between a
10 man and a woman legal in the country or other jurisdiction where
11 contracted shall be held legal in the courts of this State."

12 SECTION 21. Section 572B-9, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "[~~§~~572B-9[~~§~~] **Benefits, protections, and**
15 **responsibilities.** Partners to a civil union lawfully entered
16 into pursuant to this chapter shall have all the same rights,
17 benefits, protections, and responsibilities under law, whether
18 derived from statutes, administrative rules, court decisions,
19 the common law, or any other source of civil law, as are granted
20 to those who contract, obtain a license, and are solemnized
21 pursuant to chapter 572[~~§~~], including but not limited to the



1 rights, benefits, protections, and responsibilities described in
2 the following:

3 (1) Chapter 87A, relating to the Hawaii employer-union
4 health benefits trust fund;

5 (2) Chapter 398, relating to family leave;

6 (3) Chapter 431, the insurance code;

7 (4) Chapter 572D, the uniform premarital agreement act;

8 and

9 (5) Chapter 580, relating to annulment, divorce, and

10 separation.

11 The foregoing is not intended to constitute an exhaustive list
12 of rights, benefits, protections, and responsibilities
13 applicable to partners to a civil union."

14 SECTION 22. Section 572B-10, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§572B-10 [~~Civil unions~~ Unions performed in other**
17 **jurisdictions.** All unions entered into in other jurisdictions
18 between two individuals not recognized under section 572-3 shall
19 be recognized as civil unions; provided that the relationship
20 meets the eligibility requirements of this chapter, has been
21 entered into in accordance with the laws of that jurisdiction,
22 and can be documented.



1 For purposes of this section, a "union" means a legal union
 2 that confers rights, benefits, protections, and responsibilities
 3 that are substantially equivalent in scope to those described in
 4 section 572B-9, regardless of whether it bears the name civil
 5 union."

6 SECTION 23. Section 572B-11, Hawaii Revised Statutes, is
 7 amended to read as follows:

8 "[~~f~~]**\$572B-11**[~~]~~ **References and inclusions.** A party to a
 9 civil union shall be included in any definition or use of the
 10 terms "spouse", "husband", "wife", "widow", "widower", "family",
 11 "immediate family", "dependent", "next of kin", and other terms
 12 that denote or describe the spousal or family relationship,
 13 including but not limited to "married" and "marriage" and
 14 related terms, as those terms are used throughout the laws of
 15 the State[~~-~~], unless the context clearly indicates otherwise.
 16 Where necessary to implement the rights of civil union partners
 17 under this chapter, gender-specific terms referring to spouses
 18 shall be construed to include civil union partners."

19 SECTION 24. Section 578-1, Hawaii Revised Statutes, is
 20 amended to read as follows:

21 "**\$578-1 Who may adopt; jurisdiction; venue.** Any proper
 22 adult person, not married, or any person married to the legal



1 father or mother of a minor child, or a husband and wife
2 jointly, or any persons jointly who are partners in a civil
3 union may petition the family court of the circuit in which the
4 person or persons reside or are in military service or the
5 family court of the circuit in which the individual to be
6 adopted resides or was born or in which a child placing
7 organization approved by the department of human services under
8 the provisions of section 346-17 having legal custody (as
9 defined in section 571-2) of the child is located, for leave to
10 adopt an individual toward whom the person or persons do not
11 sustain the legal relationship of parent and child and for a
12 change of the name of the individual. When adoption is the goal
13 of a permanent plan recommended by the department of human
14 services and ordered pursuant to section 587A-31, the department
15 may petition for adoption on behalf of the proposed adoptive
16 parents. The petition shall be in such form and shall include
17 such information and exhibits as may be prescribed by the family
18 court."

19 SECTION 25. Section 578-2, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§578-2 Consent to adoption.** (a) Persons required to
22 consent to adoption. Unless consent is not required or is



1 dispensed with under subsection (c) hereof, a petition to adopt
2 a child may be granted only if written consent to the proposed
3 adoption has been executed by:

4 (1) The mother of the child;

5 (2) A legal father as to whom the child is a legitimate
6 child;

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

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

10 (5) A presumed parent under section 578-2(e);

11 [~~5~~] (6) A concerned natural father who is not the legal,
12 adjudicated, or presumed father but who has
13 demonstrated a reasonable degree of interest, concern
14 or responsibility as to the welfare of a child,
15 either:

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

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

20 (C) Prior to the placement of the child with adoptive
21 parents;

22 whichever period of time is greater;



- 1 ~~[(6)]~~ (7) Any person or agency having legal custody of the
2 child or legally empowered to consent;
- 3 ~~[(7)]~~ (8) The court having jurisdiction of the custody of
4 the child, if the legal guardian or legal custodian of
5 the person of the child is not empowered to consent to
6 adoption; or
- 7 ~~[(8)]~~ (9) The child to be adopted if more than ten years of
8 age, unless the court in the best interest of the
9 child dispenses with the child's consent.
- 10 (b) A petition to adopt an adult may be granted only if
11 written consent to adoption has been executed by the adult and
12 the adult's spouse, if the adult is married~~[-]~~, or a partner in
13 a civil union, if the adult is a partner in a civil union.
- 14 (c) Persons as to whom consent not required or whose
15 consent may be dispensed with by order of the court.
- 16 (1) Persons as to whom consent not required:
- 17 (A) A parent who has deserted a child without
18 affording means of identification for a period of
19 ninety days;
- 20 (B) A parent who has voluntarily surrendered the care
21 and custody of the child to another for a period
22 of two years;



- 1 (C) A parent of the child in the custody of another,
2 if the parent for a period of at least one year
3 has failed to communicate with the child when
4 able to do so;
- 5 (D) A parent of a child in the custody of another, if
6 the parent for a period of at least one year has
7 failed to provide for the care and support of the
8 child when able to do so;
- 9 (E) A natural father who was not married to the
10 child's mother at the time of the child's
11 conception or birth and who does not fall within
12 the provisions of subsection (a) (3), (4), [~~or~~]
13 (5) [~~+~~], or (6);
- 14 (F) A parent whose parental rights have been
15 judicially terminated under the provisions of
16 sections 571-61 to 571-63, or under the
17 provisions of any other state or other law by a
18 court or other agency having jurisdiction to take
19 the action;
- 20 (G) A parent judicially declared mentally ill or
21 intellectually disabled and who is found by the



1 court to be incapacitated from giving consent to
2 the adoption of the child;

3 (H) Any legal guardian or legal custodian of the
4 child sought to be adopted, other than a parent,
5 who has failed to respond in writing to a request
6 for consent for a period of sixty days or who,
7 after examination of the person's written reasons
8 for withholding consent, is found by the court to
9 be withholding the person's consent unreasonably;

10 (I) A parent of a child who has been in the custody
11 of a petitioner under this chapter for a period
12 of at least one year and who entered the United
13 States of America as a consequence of
14 extraordinary circumstances in the child's
15 country of origin, by reason of which
16 extraordinary circumstances the existence,
17 identity, or whereabouts of the child's parents
18 is not reasonably ascertainable or there is no
19 reasonable means of obtaining suitable evidence
20 of the child's identity or availability for
21 adoption;



1 (J) Any parent of the individual to be adopted, if
2 the individual is an adult eligible for adoption
3 under subsection (b); and

4 (K) A parent whose parental and custodial duties and
5 rights have been divested by an award of
6 permanent custody pursuant to section 587A-33;

7 (2) Persons whose consent may be dispensed with by order
8 of the court. The court may dispense with the consent
9 of a parent who comes within subsection (a)(3), (4),
10 ~~or~~ (5), or (6) herein, upon finding that:

11 (A) The petitioner is the stepfather of the child and
12 the child has lived with the child's legal mother
13 and the petitioning stepfather for a period of at
14 least one year;

15 (B) The father is a concerned father as provided by
16 subsection ~~[(a)(5),]~~ (a)(6), herein, and has not
17 filed a petition to adopt the child, or the
18 petition to adopt the child filed by the father
19 has been denied; or

20 (C) The father is an adjudicated, presumed, or
21 concerned father or parent as provided by
22 subsections (a)(3), (4), ~~or~~ (5), or (6),



1 herein, and is not a fit and proper person or is
2 not financially or otherwise able to give the
3 child a proper home and education.

4 (d) Presumption of paternity. A man is presumed to be the
5 natural father of a child if:

6 (1) He and the child's natural mother are or have been
7 married to each other and the child is born during the
8 marriage, or within three hundred days after the
9 marriage is terminated by death, annulment,
10 declaration of invalidity, or divorce, or after a
11 decree of separation is entered by a court;

12 (2) He and the child's natural mother are or have been
13 partners in a civil union with each other and the
14 child is born during the civil union, or within three
15 hundred days after the civil union is terminated by
16 death, annulment, declaration of invalidity, or
17 divorce, or after a decree of separation is entered by
18 a court;

19 [+2+] (3) Before the child's birth, he and the child's
20 natural mother have attempted to marry each other by a
21 marriage solemnized in apparent compliance with law,
22 although the attempted marriage is or could be



1 declared invalid, or have attempted to enter into a
2 civil union with each other solemnized in apparent
3 compliance with law, although the attempted civil
4 union is or could be declared invalid, and:

5 (A) If the attempted marriage or civil union could be
6 declared invalid only by a court, the child is
7 born during the attempted marriage~~[7]~~ or civil
8 union, or within three hundred days after its
9 termination by death, annulment, declaration of
10 invalidity, or divorce; or

11 (B) If the attempted marriage or civil union is
12 invalid without a court order, the child is born
13 within three hundred days after the termination
14 of cohabitation;

15 ~~[(3)]~~ (4) After the child's birth, he and the child's
16 natural mother have married, or attempted to marry,
17 each other by a marriage solemnized in apparent
18 compliance with law, although the attempted marriage
19 is or could be declared invalid~~[7]~~ or have attempted
20 to enter into a civil union with each other solemnized
21 in apparent compliance with law, although the



1 attempted civil union is or could be declared invalid;
2 and
3 (A) He has acknowledged his paternity of the child in
4 writing filed with the department of health;
5 (B) With his consent he is named as the child's
6 father on the child's birth certificate; or
7 (C) He is obligated to support the child under a
8 written voluntary promise or by court order;
9 ~~[(4)]~~ (5) While the child is under the age of majority, he
10 receives the child into his home and openly holds out
11 the child as his natural child; or
12 ~~[(5)]~~ (6) He acknowledges his paternity of the child in
13 writing filed with the department of health, which
14 shall promptly inform the mother of the filing of the
15 acknowledgment, and she does not dispute the
16 acknowledgment within a reasonable time after being
17 informed thereof, in a writing filed with the
18 department of health. If another man is presumed
19 under this section to be the child's father,
20 acknowledgment may be effected only with the written
21 consent of the presumed father or after the
22 presumption has been rebutted. If the acknowledgment



1 is filed and not disputed by the mother and if another
2 man is not presumed under this section to be the
3 child's father, the department of health shall prepare
4 a new certificate of birth in accordance with chapter
5 338.

6 (e) Presumption of parentage of civil union partner. A
7 partner of a civil union is presumed to be the natural parent of
8 a child conceived by the other partner where the biological
9 parent and the nonbiological partner are or have been in a civil
10 union and:

11 (1) The child is born while the civil union is in effect,
12 or within three hundred days after the civil union is
13 terminated by death, annulment, declaration of
14 invalidity, or divorce, or after a decree of
15 separation is entered by a court; or

16 (2) The nonbiological partner has shown indicia of
17 commitment to be a parent to the child.

18 [~~e~~] (f) Notice of hearing; minor parent; consent
19 authorizing selection of adoptive parents. No hearing of a
20 petition for adoption shall be had unless each of the living
21 parents of the child who falls within the provisions of
22 subsection (a) and who has not consented to the proposed



1 adoption, but who is alleged to come within the provisions of
2 subsection (c)(1)(A), (B), (C) and (D) or (c)(2) of this
3 section, and any man whose name appears as father on the child's
4 birth certificate, shall have had due notice, actual or
5 constructive, of the allegations of the petition and of the time
6 and place of the hearing thereof. Such notice need not be given
7 to any parent whose parental rights have been legally terminated
8 as hereinabove provided or whose consent has been filed with the
9 court.

10 The minority of a child's parent shall not be a bar to the
11 right of such parent to execute a valid and binding consent to
12 the adoption of such child.

13 Any parental consent required hereunder shall be valid and
14 binding even though it does not designate any specific adoptive
15 parent or parents, if it clearly authorizes the department of
16 human services, or a child placing organization approved by the
17 department under the provisions of section 346-17 or some proper
18 person not forbidden by law to place a child for adoption, to
19 select and approve an adoptive parent or parents for the child.

20 [~~f~~] (g) Withdrawal of consent. A consent to adoption
21 which has been filed or received in evidence in an adoption
22 proceeding or which has been given to the department of human



1 services or to a child placing organization approved by the
2 department under section 346-17, or to any other proper person
3 not forbidden by law to place or receive an individual for
4 adoption, may not be withdrawn or repudiated after the
5 individual has been placed for adoption, without the express
6 approval of the court based upon a written finding that such
7 action will be for the best interests of the individual to be
8 adopted.

9 [~~(g)~~] (h) Maintenance of action based on medical or
10 surgical treatment of child barred when. A person who consents
11 to adoption, or on whose behalf a consent to adoption is signed,
12 and a nonconsenting parent whose consent is not required or is
13 dispensed with hereunder shall be barred from maintaining any
14 action based upon medical or surgical care or treatment given to
15 the child with the permission of the petitioner or petitioners
16 or the person or agency authorized by the parental consent to
17 select and approve an adoptive parent or parents; provided that
18 nothing herein contained shall be construed to alienate or
19 impair any cause of action accruing to the child for personal
20 injury which may be sustained as a result of such medical or
21 surgical care or treatment."



1 SECTION 26. Section 578-8, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) No decree of adoption shall be entered unless a
4 hearing has been held at which the petitioner or petitioners,
5 and any legal parent married to a petitioner, any partner in a
6 civil union with a petitioner, and any subject of the adoption
7 whose consent is required, have personally appeared before the
8 court, unless expressly excused by the court. After considering
9 the petition and such evidence as the petitioners and any other
10 properly interested person may wish to present, the court may
11 enter a decree of adoption if it is satisfied (1) that the
12 individual is adoptable under sections 578-1 and 578-2, (2) that
13 the individual is physically, mentally, and otherwise suitable
14 for adoption by the petitioners, (3) that the petitioners are
15 fit and proper persons and financially able to give the
16 individual a proper home and education, if the individual is a
17 child, and (4) that the adoption will be for the best interests
18 of the individual, which decree shall take effect upon such date
19 as may be fixed therein by the court, such date to be not
20 earlier than the date of the filing of the petition and not
21 later than six months after the date of the entry of the
22 decree."



1 SECTION 27. Section 584-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~†~~]§584-1[~~†~~] **Parent and child relationship defined.** As
4 used in this chapter, "parent and child relationship" includes
5 the legal relationship existing between a child and the child's
6 natural mother, between a child and father or mother whose
7 relationship as parent and child is established under this
8 chapter, or between a child and the child's adoptive parents,
9 incident to which the law confers or imposes rights, privileges,
10 duties, and obligations."

11 SECTION 28. Section 587A-4, Hawaii Revised Statutes, is
12 amended by amending the definition of "parent" to read as
13 follows:

14 ""Parent" means any legal parent of a child; the birth
15 mother, unless the child has been legally adopted; the
16 adjudicated, presumed, or concerned birth father of the child as
17 provided in section [~~578-2(a)(5),~~] 578-2(a)(6), unless the child
18 has been legally adopted; or the legal guardians or any other
19 legal custodians of the child."

20 SECTION 29. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 30. This Act, upon its approval, shall take effect
2 retroactive to January 1, 2012.

3

INTRODUCED BY:

Frederick Jr.
Shiranne Chun Oakland

Frederick Jr.



Report Title:

Domestic Relations; Civil Unions

Description:

Amends various statutory provisions to reconfirm and clarify the original intent of Act 1 (2011) that civil union partners shall have all the same rights, benefits, protections, and responsibilities under law as are granted to those who contract, obtain a license, and are solemnized pursuant to chapter 572. Makes various housekeeping amendments to statutes to assist with the implementation and interpretation of Act 1, including with respect to public employee benefits, property held as tenants by the entirety, establishment of parent-child relationships, and adoption.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

