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# 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 509, Hawaii Revised Statutes, is  
19 amended by adding a new section to be appropriately designated  
20 and to read as follows:

21 "§509- Tenancy by the entirety when owners change  
22 relationship status. (a) When two individuals who hold



1 property as tenants by the entirety enter into a different legal  
2 relationship with each other that also allows them to hold  
3 property as tenants by the entirety, their ownership as tenants  
4 by the entirety shall be continuous:

5 (1) If the new legal relationship is entered into  
6 simultaneously with the termination of the earlier  
7 legal relationship; or

8 (2) If the new legal relationship is entered into within  
9 ninety days of the termination of the earlier legal  
10 relationship; provided that no liens were perfected on  
11 the property in the interim.

12 (b) The continuity of a tenancy by the entirety under this  
13 section shall apply to couples married under chapter 572, civil  
14 union partners under chapter 572B, and reciprocal beneficiaries  
15 under chapter 572C.

16 (c) Nothing in this section precludes any individuals from  
17 opting to hold their property in another manner, as permitted  
18 under this chapter.

19 (d) Nothing in this section shall impact any liens  
20 perfected on the property after the earlier legal relationship  
21 was terminated and before this Act is effective."



1 SECTION 3. Chapter 572B, Hawaii Revised Statutes, is  
2 amended by adding two new sections to be appropriately  
3 designated and to read as follows:

4 "572B- Construction. (a) This chapter shall be  
5 liberally construed and applied to promote its underlying  
6 purpose, which is to provide partners to a civil union with all  
7 the same rights, benefits, protections, and responsibilities  
8 under law as are granted to those who contract, obtain a  
9 license, and are solemnized pursuant to chapter 572.

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

16 §572B- Rights held by reciprocal beneficiaries who enter  
17 into a civil union. (a) If two reciprocal beneficiaries enter  
18 into a civil union with each other, the rights, benefits,  
19 protections, or responsibilities created by the reciprocal  
20 beneficiary relationship shall be continuous through the civil  
21 union and deemed to have accrued as of the first date these  
22 rights existed under the reciprocal beneficiary relationship;



1 provided that the individuals terminated their reciprocal  
2 beneficiary relationship simultaneously with their entry into a  
3 civil union, or ninety days immediately preceding their entry  
4 into a civil union.

5 (b) Any rights, benefits, protections, or responsibilities  
6 created by the solemnization of a civil union that were not  
7 included within a reciprocal beneficiary relationship shall be  
8 recognized as of the date the civil union was solemnized.

9 (c) Property held in tenancy by the entirety shall be  
10 subject to section 509- ."

11 SECTION 4. Chapter 584, Hawaii Revised Statutes, is  
12 amended by adding a new section to be appropriately designated  
13 and to read as follows:

14 "§584- Child of parents in a civil union. (a) A civil  
15 union partner is presumed to be the parent of a child if:

16 (1) The partner and the child's biological parent are or  
17 have been in a civil union with each other and the  
18 child is born during the civil union, or within three  
19 hundred days after the civil union is terminated by  
20 death, annulment, declaration of invalidity, or  
21 divorce, or after a decree of separation is entered by  
22 a court;



1       (2) Before the child's birth, the partner and the child's  
2       biological parent have attempted to enter into a civil  
3       union with each other by a solemnization in apparent  
4       compliance with the law, although the attempted civil  
5       union is or could be declared invalid; and:

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

11       or

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

16       (3) While the child is under the age of majority, the  
17       civil union partner receives the child into the  
18       partner's home and openly holds out the child as the  
19       partner's own child; or

20       (4) Pursuant to section 584-11, the partner submits to  
21       court ordered genetic testing and the results, as  
22       stated in a report prepared by the testing laboratory,



1           do not exclude the possibility of the partner's  
2           biological relationship to the child; provided that  
3           the testing used has a power of exclusion greater than  
4           99.0 per cent and a minimum combined paternity index  
5           of five hundred to one.

6           (b) A presumption under this section may be rebutted in an  
7           appropriate action only by clear and convincing evidence. If  
8           two or more presumptions arise under this section or under  
9           section 584-4 that conflict with each other, the presumption  
10           which on the facts is founded on the weightier considerations of  
11           policy and logic controls. The presumption is rebutted by a  
12           court decree establishing parenthood of the child by another  
13           person."

14           SECTION 5. 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,] A legal union of two persons  
20           that is not a marriage under chapter 572, was validly formed in  
21           another jurisdiction, and is substantially equivalent to a civil  
22           union under this chapter, shall be recognized as a valid civil



1 union in this State and shall be treated the same as a civil  
2 union entered into in this State regardless of whether it bears  
3 the name civil union; provided that the relationship meets the  
4 eligibility requirements of this chapter, has been entered into  
5 in accordance with the laws of that jurisdiction, and can be  
6 documented."

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

9 "[+]§572B-11[+] **References and inclusions.** A party to a  
10 civil union shall be included in any definition or use of the  
11 terms "spouse", "family", "immediate family", "dependent", "next  
12 of kin", and other terms that denote the spousal relationship,  
13 as those terms are used throughout the laws of the State. Where  
14 necessary to implement the rights of civil union partners under  
15 this chapter, gender-specific terms referring to spouses or  
16 previous spouses shall be construed to include civil union  
17 partners."

18 SECTION 7. Section 572C-7, Hawaii Revised Statutes, is  
19 amended by amending subsection (c) to read as follows:

20 "(c) ~~[Any marriage license subsequently issued by the~~  
21 ~~department to any individual registered as a reciprocal~~  
22 ~~beneficiary shall automatically terminate the individual's~~





1 ~~existing reciprocal beneficiary relationship.]~~ Any reciprocal  
2 beneficiary relationship shall automatically terminate upon  
3 either of the reciprocal beneficiaries entering into a marriage  
4 or a civil union solemnized by a person licensed by the  
5 department to solemnize marriages or civil unions or entering  
6 into a legal union in another jurisdiction that is recognized as  
7 a marriage or civil union in this State."

8 SECTION 8. Section 578-1, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§578-1 Who may adopt; jurisdiction; venue.** Any proper  
11 adult person, not married, or any person married to or in a  
12 civil union with the legal father or mother of a minor child, or  
13 a husband and wife jointly, or partners in a civil union jointly  
14 may petition the family court of the circuit in which the person  
15 or persons reside or are in military service or the family court  
16 of the circuit in which the individual to be adopted resides or  
17 was born or in which a child placing organization approved by  
18 the department of human services under the provisions of section  
19 346-17 having legal custody (as defined in section 571-2) of the  
20 child is located, for leave to adopt an individual toward whom  
21 the person or persons do not sustain the legal relationship of  
22 parent and child and for a change of the name of the individual.



1 When adoption is the goal of a permanent plan recommended by the  
2 department of human services and ordered pursuant to section  
3 587A-31, the department may petition for adoption on behalf of  
4 the proposed adoptive parents. The petition shall be in such  
5 form and shall include such information and exhibits as may be  
6 prescribed by the family court."

7 SECTION 9. Section 578-2, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "**§578-2 Consent to adoption.** (a) Persons required to  
10 consent to adoption. Unless consent is not required or is  
11 dispensed with under subsection (c) hereof, a petition to adopt  
12 a child may be granted only if written consent to the proposed  
13 adoption has been executed by:

- 14 (1) The mother of the child;
- 15 (2) A legal father as to whom the child is a legitimate  
16 child;
- 17 (3) An adjudicated father whose relationship to the child  
18 has been determined by a court;
- 19 (4) A presumed father under section 578-2(d);
- 20 (5) A presumed parent under section 578-2(e);
- 21 [~~5~~] (6) 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)]~~ (7) Any person or agency having legal custody of the  
12 child or legally empowered to consent;

13 ~~[(7)]~~ (8) The court having jurisdiction of the custody of  
14 the child, if the legal guardian or legal custodian of  
15 the person of the child is not empowered to consent to  
16 adoption; or

17 ~~[(8)]~~ (9) The child to be adopted if more than ten years of  
18 age, unless the court in the best interest of the  
19 child dispenses with the child's consent.

20 (b) A petition to adopt an adult may be granted only if  
21 written consent to adoption has been executed by the adult and  
22 the adult's spouse, if the adult is married~~[-]~~, or the adult's



1 partner in a civil union, if the adult is a partner in a civil  
2 union.

3 (c) Persons as to whom consent not required or whose  
4 consent may be dispensed with by order of the court.

5 (1) Persons as to whom consent not required:

6 (A) A parent who has deserted a child without  
7 affording means of identification for a period of  
8 ninety days;

9 (B) A parent who has voluntarily surrendered the care  
10 and custody of the child to another for a period  
11 of two years;

12 (C) A parent of the child in the custody of another,  
13 if the parent for a period of at least one year  
14 has failed to communicate with the child when  
15 able to do so;

16 (D) A parent of a child in the custody of another, if  
17 the parent for a period of at least one year has  
18 failed to provide for the care and support of the  
19 child when able to do so;

20 (E) A natural father who was not married to the  
21 child's mother at the time of the child's  
22 conception or birth and who does not fall within



- 1 the provisions of subsection (a) (3), (4), [~~e~~]
- 2 (5) [~~r~~], or (6);
- 3 (F) A parent whose parental rights have been
- 4 judicially terminated under the provisions of
- 5 sections 571-61 to 571-63, or under the
- 6 provisions of any other state or other law by a
- 7 court or other agency having jurisdiction to take
- 8 the action;
- 9 (G) A parent judicially declared mentally ill or
- 10 intellectually disabled and who is found by the
- 11 court to be incapacitated from giving consent to
- 12 the adoption of the child;
- 13 (H) Any legal guardian or legal custodian of the
- 14 child sought to be adopted, other than a parent,
- 15 who has failed to respond in writing to a request
- 16 for consent for a period of sixty days or who,
- 17 after examination of the person's written reasons
- 18 for withholding consent, is found by the court to
- 19 be withholding the person's consent unreasonably;
- 20 (I) A parent of a child who has been in the custody
- 21 of a petitioner under this chapter for a period
- 22 of at least one year and who entered the United



1 States of America as a consequence of  
2 extraordinary circumstances in the child's  
3 country of origin, by reason of which  
4 extraordinary circumstances the existence,  
5 identity, or whereabouts of the child's parents  
6 is not reasonably ascertainable or there is no  
7 reasonable means of obtaining suitable evidence  
8 of the child's identity or availability for  
9 adoption;

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

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

16 (2) Persons whose consent may be dispensed with by order  
17 of the court. The court may dispense with the consent  
18 of a parent who comes within subsection (a)(3), (4),  
19 [~~e~~] (5), or (6) herein, upon finding that:

20 (A) The petitioner is the stepfather of the child and  
21 the child has lived with the child's legal mother



1 and the petitioning stepfather for a period of at  
2 least one year;

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

8 (C) The father is an adjudicated, presumed, or  
9 concerned father or parent as provided by  
10 subsections (a)(3), (4), [~~or~~] (5), or (6),  
11 herein, and is not a fit and proper person or is  
12 not financially or otherwise able to give the  
13 child a proper home and education.

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

16 (1) He and the child's natural mother are or have been  
17 married to each other and the child is born during the  
18 marriage, or within three hundred days after the  
19 marriage is terminated by death, annulment,  
20 declaration of invalidity, or divorce, or after a  
21 decree of separation is entered by a court;



1 (2) Before the child's birth, he and the child's natural  
2 mother have attempted to marry each other by a  
3 marriage solemnized in apparent compliance with law,  
4 although the attempted marriage is or could be  
5 declared invalid, and:

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

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

15 (3) After the child's birth, he and the child's natural  
16 mother have married, or attempted to marry, each other  
17 by a marriage solemnized in apparent compliance with  
18 law, although the attempted marriage is or could be  
19 declared invalid; and

20 (A) He has acknowledged his paternity of the child in  
21 writing filed with the department of health;





1 (B) With his consent he is named as the child's  
2 father on the child's birth certificate; or  
3 (C) He is obligated to support the child under a  
4 written voluntary promise or by court order;

5 (4) While the child is under the age of majority, he  
6 receives the child into his home and openly holds out  
7 the child as his natural child; or

8 (5) He acknowledges his paternity of the child in writing  
9 filed with the department of health, which shall  
10 promptly inform the mother of the filing of the  
11 acknowledgment, and she does not dispute the  
12 acknowledgment within a reasonable time after being  
13 informed thereof, in a writing filed with the  
14 department of health. If another man is presumed  
15 under this section to be the child's father,  
16 acknowledgment may be effected only with the written  
17 consent of the presumed father or after the  
18 presumption has been rebutted. If the acknowledgment  
19 is filed and not disputed by the mother and if another  
20 man is not presumed under this section to be the  
21 child's father, the department of health shall prepare



1 a new certificate of birth in accordance with chapter  
2 338.

3 (e) Child of parents in a civil union. A civil union  
4 partner is presumed to be the parent of a child if:

5 (1) The partner and the child's biological parent are or  
6 have been in a civil union with each other and the  
7 child is born during the civil union, or within three  
8 hundred days after the civil union is terminated by  
9 death, annulment, declaration of invalidity, or  
10 divorce, or after a decree of separation is entered by  
11 a court;

12 (2) Before the child's birth, the partner and the child's  
13 biological parent have attempted to enter into a civil  
14 union with each other by solemnization in apparent  
15 compliance with law, although the attempted civil  
16 union is or could be declared invalid; and:

17 (A) If the attempted civil union could be declared  
18 invalid only by a court, the child is born during  
19 the attempted civil union, or within three  
20 hundred days after its termination by death,  
21 annulment, declaration of invalidity, or divorce;  
22 or



1           (B) If the attempted civil union is invalid without a  
2           court order, the child is born within three  
3           hundred days after the termination of  
4           cohabitation; or

5           (3) While the child is under the age of majority, the  
6           civil union partner receives the child into the  
7           partner's home and openly holds out the child as the  
8           partner's own child.

9           ~~[(e)]~~ (f) Notice of hearing; minor parent; consent  
10          authorizing selection of adoptive parents. No hearing of a  
11          petition for adoption shall be had unless each of the living  
12          parents of the child who falls within the provisions of  
13          subsection (a) and who has not consented to the proposed  
14          adoption, but who is alleged to come within the provisions of  
15          subsection (c)(1)(A), (B), (C) and (D) or (c)(2) of this  
16          section, and any man whose name appears as father on the child's  
17          birth certificate, shall have had due notice, actual or  
18          constructive, of the allegations of the petition and of the time  
19          and place of the hearing thereof. Such notice need not be given  
20          to any parent whose parental rights have been legally terminated  
21          as hereinabove provided or whose consent has been filed with the  
22          court.



1           The minority of a child's parent shall not be a bar to the  
2 right of such parent to execute a valid and binding consent to  
3 the adoption of such child.

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

11           [~~f~~] (g) Withdrawal of consent. A consent to adoption  
12 which has been filed or received in evidence in an adoption  
13 proceeding or which has been given to the department of human  
14 services or to a child placing organization approved by the  
15 department under section 346-17, or to any other proper person  
16 not forbidden by law to place or receive an individual for  
17 adoption, may not be withdrawn or repudiated after the  
18 individual has been placed for adoption, without the express  
19 approval of the court based upon a written finding that such  
20 action will be for the best interests of the individual to be  
21 adopted.



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

14            SECTION 10. Section 578-8, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16            "(a) No decree of adoption shall be entered unless a  
17 hearing has been held at which the petitioner or petitioners,  
18 and any legal parent married to a petitioner, any partner in a  
19 civil union with a petitioner, and any subject of the adoption  
20 whose consent is required, have personally appeared before the  
21 court, unless expressly excused by the court. After considering  
22 the petition and such evidence as the petitioners and any other



1 properly interested person may wish to present, the court may  
2 enter a decree of adoption if it is satisfied (1) that the  
3 individual is adoptable under sections 578-1 and 578-2, (2) that  
4 the individual is physically, mentally, and otherwise suitable  
5 for adoption by the petitioners, (3) that the petitioners are  
6 fit and proper persons and financially able to give the  
7 individual a proper home and education, if the individual is a  
8 child, and (4) that the adoption will be for the best interests  
9 of the individual, which decree shall take effect upon such date  
10 as may be fixed therein by the court, such date to be not  
11 earlier than the date of the filing of the petition and not  
12 later than six months after the date of the entry of the  
13 decree."

14 SECTION 11. Section 578-16, Hawaii Revised Statutes, is  
15 amended by amending subsection (d) to read as follows:

16 "(d) Except as provided in subsection (e), all legal  
17 duties and rights between the individual and the individual's  
18 former legal parent or parents shall cease from the time of the  
19 adoption; provided that if the individual is adopted by a person  
20 married to a legal parent of the individual<sup>[7]</sup> or by any partner  
21 in a civil union with a legal parent of the individual, the full  
22 reciprocal rights and duties which theretofore existed between



1 the legal parent and the individual, and the rights of  
2 inheritance as between the individual and the legal parent and  
3 the legal relatives of the parent, as provided in chapter 560,  
4 shall continue, notwithstanding the adoption, subject only to  
5 the rights acquired by and the duties imposed upon the adoptive  
6 parents by reason of the adoption."

7 SECTION 12. Section 584-1, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "[+]§584-1[+] **Parent and child relationship defined.** As  
10 used in this chapter, "parent and child relationship" includes  
11 the legal relationship existing between a child and the child's  
12 natural mother, between a child and father or mother whose  
13 relationship as parent and child is established under this  
14 chapter, or between a child and the child's adoptive parents,  
15 incident to which the law confers or imposes rights, privileges,  
16 duties, and obligations."

17 SECTION 13. Section 584-4, Hawaii Revised Statutes, is  
18 amended by amending subsection (b) to read as follows:

19 "(b) A presumption under this section may be rebutted in  
20 an appropriate action only by clear and convincing evidence. If  
21 two or more presumptions arise under this section or under  
22 section 584- which conflict with each other, the presumption



1 which on the facts is founded on the weightier considerations of  
2 policy and logic controls. The presumption is rebutted by a  
3 court decree establishing paternity of the child by another  
4 man."

5 SECTION 14. Section 587A-4, Hawaii Revised Statutes, is  
6 amended by amending the definition of "parent" to read as  
7 follows:

8 "Parent" means any legal parent of a child; the birth  
9 mother, unless the child has been legally adopted; the  
10 adjudicated, presumed, or concerned birth father of the child as  
11 provided in section [~~578-2(a)(5)~~], 578-2(a)(6), unless the child  
12 has been legally adopted; the presumed parent as provided in  
13 section 578-2(e), unless the child has been legally adopted; or  
14 the legal guardians or any other legal custodians of the child."

15 SECTION 15. If two individuals terminated a reciprocal  
16 beneficiary relationship after November 1, 2011, but before this  
17 Act becomes effective, and the two individuals subsequently  
18 entered or enter into a civil union no later than ninety days  
19 after their reciprocal beneficiary relationship terminated,  
20 their reciprocal beneficiary relationship shall be deemed to  
21 continue uninterrupted until the civil union was or is  
22 solemnized. The couple shall suffer no loss or interruption of





1 any rights, benefits, protections, or obligations derived from  
2 their reciprocal beneficiary relationship if they meet the  
3 requirements of this section. For purposes of this section,  
4 holding title to property as tenants by the entirety shall be  
5 included among the rights of a reciprocal beneficiary  
6 relationship that shall continue uninterrupted under this  
7 section; provided that no intervening liens were attached and  
8 perfected on the property after the reciprocal beneficiary  
9 relationship was terminated, but before this Act becomes  
10 effective.

11 SECTION 16. If, before this Act becomes effective, two  
12 individuals entered into a valid legal union in another  
13 jurisdiction that is not a marriage subject to chapter 572,  
14 Hawaii Revised Statutes, and is substantially equivalent to a  
15 civil union under chapter 572B, Hawaii Revised Statutes, and are  
16 also parties to a reciprocal beneficiary relationship in this  
17 State, the reciprocal beneficiary relationship shall terminate  
18 and their valid legal union entered into in another jurisdiction  
19 shall be recognized as a civil union under section 572B-10,  
20 Hawaii Revised Statutes, on the voluntary termination of the  
21 reciprocal beneficiary relationship under section 572C-7, Hawaii



1 Revised Statutes, but no later than one year after this Act  
2 becomes effective.

3 SECTION 17. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 18. This Act, upon its approval, shall take effect  
6 retroactive to January 1, 2012.



**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, HRS. 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. Ensures couples who terminated their reciprocal beneficiary relationships after 11/1/11 but before this Act becomes effective retain all rights and benefits upon entering into a civil union. (SD1)

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

