



GOV. MSG. NO. 1136

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 23, 2014

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 23, 2014, the following bill was signed into law:

HB2298 HD1

RELATING TO NOTICE TO CHILDREN
PURSUANT TO THE CHILD PROTECTIVE ACT
ACT 036 (14)

Aloha
Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

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STATE OF HAWAII

'14 APR 24 P5:34

RECEIVED
SENATE
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'14 APR 24 P5:06

A BILL FOR AN ACT

RELATING TO NOTICE TO CHILDREN PURSUANT TO THE CHILD PROTECTIVE ACT.

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

1 SECTION 1. Section 587A-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~§~~]587A-13 [~~§~~] **Summons and service of summons.** (a)

4 After a petition has been filed, the court shall issue a summons
5 requiring the presence of the parents and other persons to be
6 parties to the proceeding[~~ing~~] except the child, as follows:

7 (1) A copy of the petition shall be attached to each
8 summons;

9 (2) The summons shall notify the parties of their right to
10 retain and be represented by counsel; and

11 (3) The summons shall state: "YOUR PARENTAL AND CUSTODIAL
12 DUTIES AND RIGHTS CONCERNING THE CHILD OR CHILDREN WHO
13 ARE THE SUBJECT OF THE ATTACHED PETITION MAY BE
14 TERMINATED IF YOU FAIL TO APPEAR ON THE DATE SET FORTH
15 IN THIS SUMMONS."

16 (b) The court may issue a summons to a parent or any
17 person having physical custody of the child to bring the child



1 before the court at the temporary foster custody hearing or the
2 return hearing.

3 (c) The sheriff or other authorized person shall serve the
4 summons by personally delivering a certified copy to the person
5 or legal entity being summoned. A return on the summons shall
6 be filed, showing the date and time and to whom service was
7 made; provided that:

8 (1) If the party to be served does not reside in the
9 State, service shall be made by registered or
10 certified mail addressed to the party's last known
11 address; or

12 (2) If the court finds that it is impracticable to
13 personally serve the summons, the court may order
14 service by registered or certified mail addressed to
15 the party's last known address, or by publication, or
16 both. When publication is used, the summons shall be
17 published once a week for four consecutive weeks in a
18 newspaper of general circulation in the county in
19 which the party was last known to have resided. In
20 the order for publication of the summons, the court
21 shall designate the publishing newspaper and shall set
22 the date of the last publication at no less than



1 twenty-one days before the return date. Such
2 publication shall have the same force and effect as
3 personal service of the summons.

4 (d) The petitioner shall notify the child of a hearing
5 under this section no less than twenty-four hours prior to the
6 time set for a temporary foster custody hearing, or no less than
7 forty-eight hours prior to the time set for any other hearing.

8 ~~[(d)]~~ (e) Service shall be completed no less than twenty-
9 four hours prior to the time set forth in the summons for a
10 temporary foster custody hearing, or no less than forty-eight
11 hours prior to the time set forth in the summons for any other
12 hearing, unless the party was present when ordered by the court
13 to appear at the hearing.

14 ~~[(e)]~~ (f) The court may issue a warrant for the appearance
15 of a person or child, as well as issue an order pursuant to
16 section 587A-16(b), if:

- 17 (1) The summons cannot be personally served;
- 18 (2) The person served fails to obey the summons;
- 19 (3) The court finds that service will not be effective; or
- 20 (4) The court finds that the best interests of the child
- 21 require that the child be brought into the custody of
- 22 the court."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

APPROVED this 23 day of APR, 2014



GOVERNOR OF THE STATE OF HAWAII

