
A BILL FOR AN ACT

RELATING TO CHANGE OF NAME.

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

1 SECTION 1. Section 574-5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) It shall be unlawful to change any name adopted or
4 conferred under this chapter, except:

5 (1) Upon an order of the lieutenant governor;

6 (2) By a final order, decree, or judgment of the family
7 court issued as follows:

8 (A) When in an adoption proceeding a change of name
9 of the person to be adopted is requested and the
10 court includes the change of name in the adoption
11 decree;

12 (B) When in a divorce proceeding either party to the
13 proceeding requests to [~~resume~~]:

14 (i) Resume the middle name or names and the last
15 name used by the party prior to the marriage
16 or civil union or a middle name or names and
17 last name declared and used during any prior
18 marriage or civil union and the court



1 includes the change of names in the divorce
2 decree; or

3 (ii) Change the name of a child who is under the
4 age of majority, in instances in which
5 either parent has been convicted of child
6 sexual abuse, as defined in section 588-2,
7 on the child, or in instances in which the
8 court determines that it is in that child's
9 best interest to order a change of name
10 notwithstanding the absence of a conviction;
11 or

12 (C) When in a proceeding for a change of name of a
13 legitimate or legitimated minor initiated by one
14 parent, the family court, upon proof that the
15 parent initiating the name change has made all
16 reasonable efforts to locate and notify the other
17 parent of the name change proceeding but has not
18 been able to locate, notify, or elicit a response
19 from the other parent, and after an appropriate
20 hearing, orders a change of name determined to be
21 in the best interests of the minor; provided that
22 the family court may waive the notice requirement



1 to the noninitiating, noncustodial parent where
2 the court finds that the waiver is necessary for
3 the protection of the minor;

4 (3) Upon marriage or civil union pursuant to section
5 574-1;

6 (4) Upon legitimation pursuant to section 338-21; or

7 (5) By an order or decree of any court of competent
8 jurisdiction within any state of the United States,
9 the District of Columbia, the Commonwealth of Puerto
10 Rico, or any territory or possession of the United
11 States, changing the name of a person born in this
12 State.

13 Notwithstanding any law to the contrary, no person who is a
14 covered offender subject to the registration requirements of
15 section 846E-2 may obtain a name change, other than as provided
16 in paragraph (2), (3), (4), or (5), unless a court determines
17 that it is in the best interest of justice to grant the petition
18 and that doing so will not adversely affect the public safety."

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

21 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

Name Change; Children; Sexual Abuse; Divorce

Description:

Allows a family court to change the name of a minor child in a divorce proceeding of the parents if the child was the victim of child sexual abuse by either parent or if the court determines that the name change is in the best interests of the child when there has been no conviction of the parent for sexual abuse. Effective July 1, 2050. (HB1799 HD1)

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

