

JAN 16 2014

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 when either
5 parent has been convicted of child sexual
6 abuse, as defined in section 588-2, on the
7 child, or in instances when the court
8 determines that it is in that child's best
9 interest to order a change of name
10 notwithstanding the absence of a conviction;

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



1 the court finds that the waiver is necessary for
2 the protection of the minor;

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

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

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

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

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 Statutory material to be repealed is bracketed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

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

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INTRODUCED BY:



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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.

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