
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 minor child of one or
4 more of the parties if the court determines
5 that the change of name is in the child's
6 best interest; or

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

21 (3) Upon marriage or civil union pursuant to section
22 574-1;



- 1 (4) Upon legitimation pursuant to section 338-21; or
- 2 (5) By an order or decree of any court of competent
- 3 jurisdiction within any state of the United States,
- 4 the District of Columbia, the Commonwealth of Puerto
- 5 Rico, or any territory or possession of the United
- 6 States, changing the name of a person born in this
- 7 State.

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

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 Statutory material to be repealed is bracketed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

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

Report Title:

Name Change; Children; Divorce

Description:

Allows the family court in a divorce proceeding to change the name of a minor child of at least one of the parties if it is in the best interest of the child. (CD1)

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