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# 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, 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 forth in the summons for a temporary foster custody  
7           hearing, or no less than forty-eight hours prior to the time set  
8           forth in the summons for any other hearing.

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

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

- 18           (1) The summons cannot be personally served;  
19           (2) The person served fails to obey the summons;  
20           (3) The court finds that service will not be effective; or



1           (4) The court finds that the best interests of the child  
2                   require that the child be brought into the custody of  
3                   the court."

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 Statutory material to be repealed is bracketed  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

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



**Report Title:**

Child Protective Act; Notice to Children

**Description:**

Establishes that after a chapter 587A, Hawaii Revised Statutes, petition has been filed, the court shall issue a summons requiring the presence of the parents and other persons to be parties to the proceeding, except the child. Requires the petitioner to notify the child of the hearing no less than twenty-four hours prior to a temporary foster custody hearing and forty-eight hours prior to any other type of hearing. (SD1)

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

