

**SB2223**

**LATE**

**TESTIMONY**



LEGAL AID  
SOCIETY OF HAWAII

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**TESTIMONY IN SUPPORT OF**  
**SB2223 – Relating to Name Changes, Children, Sexual Abuse, Divorce**

Senators Shimabukuro, Baker, Chun-Oakland

February 7, 2014 at 10:00 AM

The Legal Aid Society of Hawaii submits testimony in support of SB2223 – Relating to Name Changes, Children, Sexual Abuse, Divorce. This provision is necessary because although the Family Court Judge already has the authority to change a child's name, it requires a separate action to be filed. It cannot be done in the divorce as the law currently stands, yet the parties are all the same, the standard is the same (best interest of the child) and to require a new proceeding to be filed to change the child's name just increases the expense to all concerned. On the other hand, no such requirement is present in Paternity cases. Judges routinely change a child's name in Paternity actions – and they also routinely decide not to because to do so would not be in the child's best interest. Why should it be different in a divorce?

The Legal Aid Society of Hawaii is the largest non profit law firm in the State. We have offices Statewide serving Hawaii's low income population. Over the years we have helped many people get divorced and we have also helped many people establish paternity. In the paternity cases a request to change the child's name is often made. That request is either granted or not, depending upon the individual circumstances of each case. In the divorce cases we have handled, it is less common for a request to change the child's surname to be made. Yet sometimes a request is made. In a recent case the child had been a victim of child sexual abuse, perpetrated by a parent. At least that was the allegation. The court refused to reach the merits of the allegation though because it did not feel, quite correctly given the state of the law, that it had the power to change the child's name in a divorce. In other words the court never considered whether it would be in the child's best interest to change her name. We ask for your support in passing SB2223.

Thank you for this opportunity to provide testimony.

Sincerely,

Daniel E. Pollard, Esq.  
Co-Managing Attorney

*The Legal Aid Society of Hawaii (Legal Aid) is the only legal service provider with offices on every island in the state, and in 2011 provided legal assistance to over 10,000 Hawai'i residents in the areas of consumer fraud, public assistance, family law, the prevention of homelessness, employment, protection from domestic violence, and immigration. Our mission is to achieve fairness and justice through legal advocacy, outreach and education for those in need.*

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**Subject:** \*Submitted testimony for SB2223 on Feb 7, 2014 10:00AM\*  
**Date:** Friday, February 07, 2014 10:06:34 AM

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**SB2223**

Submitted on: 2/7/2014

Testimony for JDL on Feb 7, 2014 10:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

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