

JAN 27 2016

A BILL FOR AN ACT

RELATING TO SERVICE BY PUBLICATION IN PATERNITY CASES.

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

1 SECTION 1. Section 584-8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§584-8~~ **Jurisdiction; venue.** (a) Without limiting the
4 jurisdiction of any other court, the family court has
5 jurisdiction of an action brought under this chapter. The
6 action may be joined with an action for divorce, annulment,
7 separate maintenance, or support.

8 (b) A person who has sexual intercourse in this State
9 thereby submits to the jurisdiction of the courts of this State
10 as to an action brought under this chapter with respect to a
11 child who may have been conceived by that act of intercourse.
12 In addition to any other method provided by statute, personal
13 jurisdiction may be acquired by personal service outside this
14 State ~~[or]~~, by service by certified or registered mail, postage
15 prepaid, with return receipt requested~~[or]~~, or by publication as
16 provided for in subsection (c).

17 (c) In addition to any other method of service provided by

1 statute or court rule, if the defendant is not found within the
2 circuit, service may be effectuated by registered or certified
3 mail, with request for a return receipt and direction to deliver
4 to addressee only. The return receipt signed by the defendant
5 shall be prima facie evidence that the defendant accepted
6 delivery of the complaint and summons on the date set forth on
7 the receipt. Actual receipt by the defendant of the complaint
8 and summons sent by registered or certified mail shall be the
9 equivalent to personal service on the defendant by an authorized
10 process server as of the date of the receipt. If it appears
11 that the defendant has refused to accept service by registered
12 or certified mail, is concealing oneself or evading service, or
13 the plaintiff does not know the address or residence of the
14 defendant and has not been able to ascertain the same after
15 reasonable and due inquiry and search, the court may authorize
16 notice of the paternity action and the time and date of hearing
17 by publication. When publication is authorized, the summons
18 shall be published once a week for four consecutive weeks in a
19 publication of general circulation in the circuit. The
20 publication of general circulation shall be designated by the
21 court in the order for publication of the summons. Notice by
22 publication shall have the same force and effect as such person
23 having been personally served with the summons; provided that

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1 the date of the last publication shall be set not less than
2 twenty-one days prior to the return date stated in the summons.

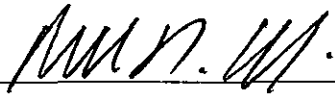
3 (d) The action may be brought in the county in which the
4 child, the mother, or the alleged father resides or is found or
5 in which the child was born or, if the father is deceased, in
6 which proceedings for probate of [†]the father's[†] estate have
7 been or could be commenced.

8 (e) For service effectuated by registered or certified
9 mail, an electronic copy or facsimile of the signature of the
10 served individual on certified mailers provided by the United
11 States Postal Service shall constitute valid proof of service on
12 the individual."

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

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

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INTRODUCED BY: 
BY REQUEST

S.B. NO. 2810

Report Title:

Service by Publication in Paternity Cases

Description:

Amends the Uniform Parentage Act to allow for service by publication when defendants cannot be located or personally served.

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO SERVICE BY PUBLICATION IN PATERNITY CASES.

PURPOSE: To amend the Uniform Parentage Act to allow for service by publication in those situations where defendants cannot be located or personally served.

MEANS: Amend section 584-8, Hawaii Revised Statutes.

JUSTIFICATION: Currently, section 584-8, Hawaii Revised Statutes, provides that in addition to service by mail or personal service other types of authorized service may be made. However, there is no specific wording allowing for service by publication. The family court has in fact authorized the Department of the Attorney General, Child Support Enforcement Agency (CSEA), to serve defendants by publication in paternity cases for many years. All other types of family court proceedings (divorce, adoption, guardianship, and child protective services) have explicit provisions in the relevant statutes authorizing service by publication of a person who cannot be located or personally served in a proceeding. This measure will make service in paternity cases consistent with other types of family court proceedings.

Impact on the public: This measure would benefit the public by explicitly providing for an additional method of service of process in the establishment of paternity and by helping to make the child support enforcement process more efficient.

Impact on the department and other agencies:

This measure would benefit the department in expediting the establishment of paternity and there would be no impact on other agencies.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: ATG 500

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.