

---

# 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 by amending subsections (b) to (d) to read as follows:  
3           "(b) A person who has sexual intercourse in this State  
4 thereby submits to the jurisdiction of the courts of this State  
5 as to an action brought under this chapter with respect to a  
6 child who may have been conceived by that act of intercourse.  
7 In addition to any other method provided by statute, personal  
8 jurisdiction may be acquired by personal service outside this  
9 State ~~[e]~~, by service by certified or registered mail, postage  
10 prepaid, with return receipt requested~~[-]~~, or by publication as  
11 provided for in subsection (c).

12           (c) In addition to any other method of service provided by  
13 statute or court rule, if the defendant is not found within the  
14 circuit, service may be effectuated by registered or certified  
15 mail, with request for a return receipt and direction to deliver  
16 to addressee only. The return receipt signed by the defendant  
17 shall be prima facie evidence that the defendant accepted  
18 delivery of the complaint and summons on the date set forth on



1 the receipt. Actual receipt by the defendant of the complaint  
2 and summons sent by registered or certified mail shall be the  
3 equivalent to personal service on the defendant by an authorized  
4 process server as of the date of the receipt. If it appears  
5 that the defendant has refused to accept service by registered  
6 or certified mail or is concealing oneself or evading service,  
7 or the plaintiff does not know the address or residence of the  
8 defendant and has not been able to ascertain the same after  
9 reasonable and due inquiry and search, the court may authorize  
10 notice of the paternity action and the time and date of hearing  
11 by publication. When publication is authorized, the summons  
12 shall be published once a week for four consecutive weeks in a  
13 publication of general circulation in the circuit. The  
14 publication of general circulation shall be designated by the  
15 court in the order for publication of the summons. Notice by  
16 publication shall have the same force and effect as the person  
17 having been personally served with the summons; provided that  
18 the date of the last publication shall be set not less than  
19 twenty-one days prior to the return date stated in the summons.

20 (d) The action may be brought in the county in which the  
21 child, the mother, or the alleged father resides or is found or



1 in which the child was born or, if the father is deceased, in  
2 which proceedings for probate of [†]the father's[†] estate have  
3 been or could be commenced."

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 on January 7, 2059.



**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. Takes effect on 1/7/2059. (SD1)

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

