

STAND. COM. REP. NO. 3454

Honolulu, Hawaii

APR 08 2016

RE: H.B. No. 2281  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 2281 entitled:

"A BILL FOR AN ACT RELATING TO SERVICE BY PUBLICATION IN  
PATERNITY CASES,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the  
Uniform Parentage Act to allow for service by publication when  
defendants cannot be located or personally served.

Your Committee received testimony in support of this measure  
from the Department of the Attorney General and one individual.  
Your Committee received testimony in opposition to this measure  
from one individual.

Your Committee finds that the Uniform Parentage Act specifies  
service by registered or certified mail when the defendant is not  
found within the circuit, but does allow for other methods of  
service that is provided by law or court rules. The Family Court  
has authorized the Child Support Enforcement Agency of the  
Department of the Attorney General to serve defendants in  
paternity cases by publication if they cannot be located or  
personally served. By codifying the Family Court's practice of  
allowing service by publication in paternity cases under the  
Uniform Parentage Act, this measure makes service consistent with  
service in other Family Court proceedings and helps to make the  
child support process more efficient.



Your Committee notes that means of communication are evolving due to advancements in technology. Newspapers are shifting to online editions, people are shifting from written letters to email or social media, and many people no longer have landlines and listings in telephone directories. Thus, providing notice by publication may not sufficiently encompass all means available that are reasonably calculated to give a party actual notice of the proceedings and an opportunity to be heard.

Accordingly, your Committee has amended this measure by:

- (1) Adopting language suggested in written testimony to authorize the court to allow, in addition to notice by publication, notice of a paternity action and the time and date of hearing by any other manner that is reasonably calculated to give the party actual notice of the proceedings and an opportunity to be heard, including the following:
  - (A) Notice by posting to an online publication website;
  - (B) Service by electronic mail or posting to a social networking account; and
  - (C) Notice by posting to a public bulletin board; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2281, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2281, S.D. 1, and be placed on the calendar for Third Reading.


Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HB 2281</b>	Committee Referral: <b>JDL</b>	Date: <b>3/30/16</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike	/			
KAHELE, Kaiali'i				/
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
SLOM, Sam	/			
<b>TOTAL</b>	<b>6</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">  </div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes