

Honolulu, Hawaii

February 1, 2016

RE: H.B. No. 939

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 939 entitled:

"A BILL FOR AN ACT RELATING TO AMENDING IDENTITY OF REGISTRANT'S PARENT ON A BIRTH CERTIFICATE,"

begs leave to report as follows:

The purpose of this measure is to clarify that amendments to birth certificates to change or establish the identity of a registrant's parents may be made by the Department of Health only pursuant to a court order or the legal establishment of parenthood in accordance with the Uniform Parentage Act and not as a correction to a personal record under the Uniform Information Practices Act.

The Department of the Attorney General, Department of Health, and Office of Information Practices testified in support of the measure.

Your Committee finds that the Department of Health's authority to amend the identity of parents on a registrant's birth certificate is subject to the requirements for establishing parentage contained in chapter 584, Hawaii Revised Statutes. This type of amendment is not a correction to a personal record under chapter 92F, Hawaii Revised Statutes, because it affects the rights and duties associated with a parental relationship. This measure increases the accuracy of the State's vital records and protects the due process rights of the people affected by an amendment of parentage on a birth certificate.

HB939 HSCR JUD HMS 2016-1336



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 939 and recommends that it pass Third Reading.

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



KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-eighth Legislature

HSCR 6-16

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 939	Committee Referral: HLT, JUD	Date: 01/21/16		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	✗			
2. SAN BUENAVENTURA, Joy A. (VC)	✗			
3. BELATTI, Della Au				✗
4. BROWER, Tom	✗			
5. CREAGAN, Richard P.	✗			
6. HASHEM, Mark J.	✗			
7. KAWAKAMI, Derek S.K.	✗			
8. LEE, Chris	✗			
9. MORIKAWA, Dee				✗
10. NAKASHIMA, Mark M.	✗			
11. TAKAYAMA, Gregg	✗			
12. WOODSON, Justin H.	✗			
13. McDERMOTT, Bob				✗
14. THIELEN, Cynthia	✗			
TOTAL (14)	11	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____				
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