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## A BILL FOR AN ACT

RELATING TO PARENTAGE.

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

1           SECTION 1. The legislature finds that the Hawaii supreme  
2 court's majority opinion in LC v. MG and Child Support  
3 Enforcement Agency, No. SCAP-16-0000837 (HAW. Oct. 4, 2018)  
4 held, in part, that the Hawaii Uniform Parentage Act, chapter  
5 584, Hawaii Revised Statutes, precludes a spouse from rebutting  
6 the marital presumption of parentage with evidence that  
7 demonstrates a clear and convincing lack of consent to the other  
8 spouse's artificial insemination procedure. The legislature  
9 also finds that the court's majority based this holding on  
10 speculation regarding the legislature's intent in removing a  
11 provision relating to artificial insemination when it adopted  
12 the Uniform Parentage Act in 1973. The provision at issue  
13 specifically identified a husband's written consent to his  
14 wife's artificial insemination procedure as evidence relating to  
15 paternity. The legislature finds that the court's majority  
16 overreached in its conclusion that the legislature's removal of  
17 this provision in its initial adoption of the Uniform Parentage



1 Act indicates express legislative intent to preclude any  
2 evidence of non-consent to an artificial insemination procedure  
3 as a rebuttal to the presumption of parentage.

4 The purpose of this Act is to clarify that evidence of an  
5 alleged parent's non-consent to an artificial insemination  
6 procedure that resulted in the birth of a child may be  
7 considered as evidence relating to paternity in an action  
8 regarding the parentage of that child.

9 SECTION 2. Section 584-12, Hawaii Revised Statutes, is  
10 amended to read as follows:

11 **"§584-12 Evidence relating to paternity.** Evidence  
12 relating to paternity may include:

- 13 (1) Evidence of sexual intercourse between the mother and  
14 the alleged father at any possible time of conception;
- 15 (2) An expert's opinion concerning the statistical  
16 probability of the alleged father's paternity based  
17 upon the duration of the mother's pregnancy;
- 18 (3) Genetic test results, including blood test results,  
19 weighted in accordance with evidence, if available, of  
20 the statistical probability of the alleged father's  
21 paternity;



- 1           (4) Medical or anthropological evidence relating to the  
2           alleged father's paternity of the child based on tests  
3           performed by experts. If a man has been identified as  
4           a possible father of the child, the court may, and  
5           upon request of a party shall, require the child, the  
6           mother, and the man to submit to appropriate tests;
- 7           (5) A voluntary, written acknowledgment of paternity;
- 8           (6) Bills for pregnancy and childbirth, including medical  
9           insurance premiums covering this period and genetic  
10          testing, without the need for foundation testimony or  
11          other proof of authenticity or accuracy, and these  
12          bills shall constitute prima facie evidence of amounts  
13          incurred for such services or for testing on behalf of  
14          the child; [~~and~~]
- 15          (7) Evidence of non-consent to an artificial insemination  
16          procedure that resulted in the birth of the child; and
- 17          [~~(7)~~] (8) All other evidence relevant to the issue of  
18          paternity of the child."

19           SECTION 3. This Act does not affect rights and duties that  
20          matured, penalties that were incurred, and proceedings that were  
21          begun before its effective date.



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1 SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:           *OCuse. sm*          

*[Signature]*

JAN 23 2019



# H.B. NO. 1265

**Report Title:**

Uniform Parentage Act; Artificial Insemination; Consent;  
Paternity

**Description:**

Clarifies that evidence demonstrating an alleged parent's non-consent to an artificial insemination procedure that resulted in the birth of a child may be introduced as evidence relating to paternity.

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

