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# A BILL FOR AN ACT

RELATING TO NAME CHANGES.

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

1       SECTION 1. Section 11-20, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3       "(a) The clerks shall use all reliable and pertinent  
4 information to keep the general register up to date. The county  
5 clerks may request information from, but are not limited to, the  
6 following sources:

7       (1) The [~~office of the lieutenant governor~~] department of  
8 health for any change of name;

9       (2) Courts for any changes of name, divorces, separations,  
10 or other changes affecting voter status;

11       (3) The department of health for marriages, deaths, or  
12 other changes affecting voter status;

13       (4) Utility companies concerning commencement or changes  
14 of service;

15       (5) Residential apartments, cooperative apartments, and  
16 condominiums as to changes of occupancy.



1 In requesting the information the clerk shall give reasonable  
2 notice and time for furnishing the information."

3 SECTION 2. Section 286-308, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) A cardholder who, after receiving an identification  
6 card, has a change in one or more of the following:

7 (1) Name, legally changed by marriage, divorce, adoption,  
8 legitimization, order of the [~~lieutenant governor,~~  
9 department of health, or other legal means;

10 (2) Citizenship status;

11 (3) Address; or

12 (4) Individual in charge of the cardholder (in the case of  
13 a minor or incompetent individual),

14 within thirty days after the change, shall report the change,  
15 submit supporting documents, and present the cardholder's

16 identification card to the examiner. The examiner of drivers,  
17 upon being furnished with satisfactory proof as to the change,  
18 and receiving payment of the fee, shall cancel the

19 identification card and issue a new identification card bearing  
20 the new name, citizenship status, or address of the cardholder,



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1 making appropriate notation of the facts upon the records of the  
2 examiner."

3 SECTION 3. Section 574-5, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By amending subsections (a) and (b) to read:

6 "(a) It shall be unlawful to change any name adopted or  
7 conferred under this chapter, except:

8 (1) Upon an order [~~of the lieutenant governor;~~] issued by  
9 the department of health;

10 (2) By a final order, decree, or judgment of the family  
11 court issued as follows:

12 (A) When in an adoption proceeding a change of name  
13 of the person to be adopted is requested and the  
14 court includes the change of name in the adoption  
15 decree;

16 (B) When in a divorce proceeding either party to the  
17 proceeding requests to:

18 (i) Resume the middle name or names and the last  
19 name used by the party prior to the marriage  
20 or civil union or a middle name or names and  
21 last name declared and used during any prior



1 marriage or civil union and the court  
2 includes the change of names in the divorce  
3 decree; or

4 (ii) Change the name of a minor child of one or  
5 more of the parties if the court determines  
6 that the change of name is in the child's  
7 best interest; or

8 (C) When in a proceeding for a change of name of a  
9 legitimate or legitimated minor initiated by one  
10 parent, the family court, upon proof that the  
11 parent initiating the name change has made all  
12 reasonable efforts to locate and notify the other  
13 parent of the name change proceeding but has not  
14 been able to locate, notify, or elicit a response  
15 from the other parent, and after an appropriate  
16 hearing, orders a change of name determined to be  
17 in the best interests of the minor; provided that  
18 the family court may waive the notice requirement  
19 to the noninitiating, noncustodial parent where  
20 the court finds that the waiver is necessary for  
21 the protection of the minor;



(3) Upon marriage or civil union pursuant to section

574-1;

(4) Upon legitimation pursuant to section 338-21; or

(5) By an order or decree of any court of competent

jurisdiction within any state of the United States,

the District of Columbia, the Commonwealth of Puerto

Rico, or any territory or possession of the United

States, changing the name of a person born in this

State.

Notwithstanding any law to the contrary, no person who is a

covered offender subject to the registration requirements of

section 846E-2 may obtain a name change, other than as provided

in paragraph (2), (3), (4), or (5), unless a court determines

that it is in the best interest of justice to grant the petition

and that doing so will not adversely affect the public safety.

(b) The order of change of name by the [lieutenant

~~governor~~] department of health shall be founded upon a notarized

petition. The petition shall be executed by the person desirous

of making the change of name. In the case of a minor, the

petition shall be executed:

(1) By the parents;



(2) By the parent who has custody of the minor with the  
notarized consent of the noncustodial parent; or

(3) By the guardian of the minor."

2. By amending subsection (d) to read:

"(d) A notice of change of name signed by the [~~lieutenant  
governor~~] director of health shall be published once in a  
newspaper of general circulation in the State as mentioned in  
the order for change of name, and the petitioner within sixty  
days of the signing of the notice of change of name shall  
deposit at the office of [~~the lieutenant governor~~] health status  
monitoring of the department of health an affidavit executed by  
an officer of the newspaper publishing the notice showing that  
the notice has been published therein. The affidavit shall have  
attached to it a clipping showing the notice as published.  
Failure to deposit the affidavit of publication as required  
shall void that petition for a change of name by that  
petitioner."

SECTION 4. Section 574-6, Hawaii Revised Statutes, is  
amended as follows:



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1 1. By amending subsections (a) and (b) to read:

2 "(a) The change of name provided for by order of the  
3 ~~[lieutenant governor]~~ department of health shall be effective  
4 upon the date of publication of the notice of change of name.

5 (b) In all cases of change of name by order of the  
6 ~~[lieutenant governor]~~ department of health, except as otherwise  
7 provided by law, the order shall be recorded in the bureau of  
8 conveyances within sixty days after the signing of the order."

9 2. By amending subsection (d) to read:

10 "(d) The ~~[lieutenant governor]~~ department of health shall  
11 adopt rules pursuant to chapter 91 necessary for the purposes of  
12 this chapter."

13 SECTION 5. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on January 1, 2022.

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**Report Title:**

Department of Health; Office of Health Status Monitoring; Vital Statistics; Name Change

**Description:**

Transfers the change of name procedures from the office of the lieutenant governor to the department of health. Effective 1/1/2022.

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

