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# A BILL FOR AN ACT

RELATING TO ADOPTION.

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

1           SECTION 1. The legislature finds that the effect of  
2 adoption as provided for under state law impacts the ability for  
3 an adopted individual or the individual's natural family to  
4 succeed to a homestead lease or application on the department of  
5 Hawaiian home lands applicant waiting list.

6           The purpose of this Act is to allow an adopted individual  
7 to benefit both by relationship through a natural parent and  
8 through an adoptive parent while also allowing the adopted  
9 individual and member of the individual's natural family to  
10 continue to have the same familial relationship. This Act does  
11 not affect other requirements under the Hawaiian Homes  
12 Commission Act, 1920, as amended, or administrative rules beyond  
13 recognition of relationship between individuals. This Act does  
14 not create any further exception to the complete termination of  
15 a natural parent's rights.

16           SECTION 2. Section 578-16, Hawaii Revised Statutes, is  
17 amended to read as follows:



1           "§578-16 Effect of adoption. (a) A legally adopted  
2 individual shall be considered to be a natural child of the  
3 whole blood of the adopting parent or parents as provided in the  
4 Uniform Probate Code, relating to the descent of property.

5           (b) The former legal parent or parents of an adopted  
6 individual and any other former legal kindred shall not be  
7 considered to be related to the individual as provided in the  
8 Uniform Probate Code except as provided in this section.

9           (c) An adopted individual and the individual's adopting  
10 parent or parents shall sustain [~~towards~~] toward each other the  
11 legal relationship of parents and child and shall have all the  
12 rights and be subject to all the duties of that relationship,  
13 including the rights of inheritance from and through each other  
14 and the legal kindred of the adoptive parent or parents, the  
15 same as if the individual were the natural child of the adopting  
16 parent or parents.

17           (d) Except as provided in subsection (e), all legal duties  
18 and rights between the individual and the individual's former  
19 legal parent or parents shall cease from the time of the  
20 adoption; provided that, if the individual is adopted by [a  
21 ~~person~~] an individual married to a legal parent of the



1 individual, the full reciprocal rights and duties [~~which~~] that  
2 theretofore existed between the legal parent and the individual,  
3 and the rights of inheritance as between the individual and the  
4 legal parent and the legal relatives of the parent, as provided  
5 in chapter 560, shall continue, notwithstanding the adoption,  
6 subject only to the rights acquired by and the duties imposed  
7 upon the adoptive parents by reason of the adoption.

8 (e) Notwithstanding subsections (b) and (d), if an  
9 individual is adopted before that individual attains the age of  
10 majority and[+] the individual is adopted by:

11 (1) [~~The individual is adopted by a~~] A spouse of a natural  
12 parent of the individual; or

13 (2) [~~The individual is adopted by a~~] A natural  
14 grandparent, [~~aunt, uncle,~~] sibling of the  
15 individual's natural parent, or sibling of the  
16 individual or the spouse of a natural grandparent,  
17 [~~aunt, uncle,~~] sibling of the individual's natural  
18 parent, or sibling;

19 then for the purposes of interpretation or construction of a  
20 disposition in any will, trust, or other lifetime instrument,  
21 whether executed before or after the order of adoption, and for



1 purposes of determining heirs at law, the rights of the adopted  
2 individual and the individual's descendants with respect to the  
3 individual's natural family shall not be affected by the  
4 adoption, and they shall be included in any determination of  
5 heirs or members of any class, unless specifically excluded by  
6 name or class.

7 (f) An adopted individual, who by reason of subsection (e)  
8 would be a member of two or more designations or classes  
9 pursuant to a single instrument, both by relationship through a  
10 natural parent and through an adoptive parent, shall be entitled  
11 to benefit by membership in only one of these designations or  
12 classes, which shall be the larger share.

13 (g) An adopted individual shall be considered as a child  
14 of both the adopted and natural parents for the sole purpose of  
15 determining familial relationships, including the conditions of  
16 leases and identification of successors to lessees under  
17 sections 208 and 209 of the Hawaiian Homes Commission Act, 1920,  
18 as amended.

19 [~~g~~] (h) For purposes of this section, if [~~a person~~] an  
20 individual has been adopted more than once, the term "natural  
21 parent" includes an adopting parent by an earlier adoption.



1           ~~(h)~~ (i) An individual legally adopted under the laws of  
2 any state or territory of the United States or under the laws of  
3 any nation shall be accorded the same rights and benefits in all  
4 respects as an individual adopted under this chapter."

5           SECTION 3. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7           SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Department of Hawaiian Home Lands; Adoption

**Description:**

Requires an adopted individual to be considered a child of both the adopted and natural parents for the sole purpose of determining familial relationships for purposes of the Hawaiian Homes Commission Act. (SD1)

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

