

STAND. COM. REP. NO. 1754

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 1058
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1058, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ADOPTION,"

begs leave to report as follows:

The purpose and intent of this measure is to require an adopted individual to be considered a child of both the adopted and natural parents for the sole purpose of determining familial relationships, including for purposes of the Hawaiian Homes Commission Act.

Your Committee received testimony in support of this measure from the Department of Hawaiian Home Lands and three individuals.

Your Committee finds that pursuant to section 578-16(b), Hawaii Revised Statutes, the former legal parent or parents of an adopted individual and any other former legal kindred is not considered to be related to the individual as provided in the Uniform Probate Code. As an unintended consequence, there are cases where Hawaiian home land lessees, as well as waiting list applicants, who have biological children that were adopted, could not transfer and succeed a lease to those biological children, or designate the biological child as a successor to a lease application, as the relationship between parent and child is effectively severed by the adoption. In other cases, lessees and



waiting list applicants who were adopted, could not transfer and succeed a lease to their natural family members, or designate a natural family member as a successor to a lease application, due to having been adopted. This measure will allow the adopted individual and the individual's natural family to maintain the same familial relationship in order to transfer and succeed to a lease, or succeed to a lease application, despite the legal effect of adoption.

Your Committee has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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. 1058, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1058, H.D. 1, S.D. 1.

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




KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 105B HD1	Committee Referral: HNN, JDC	Date: 3/31/23		
<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
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.				✓
AWA, Brenton	✓			
TOTAL	4	—	—	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes