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KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
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March 15, 2023

TO: The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: [SB 110 SD1](#) – RELATING TO GENDER-NEUTRAL TERMINOLOGY.

Hearing: March 17, 2023, 2:00 p.m.
Conference Room 325 & Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the measure's intent and provides comments. DHS respectfully requests an extended effective date to implement the changes if the measure passes.

PURPOSE: This bill requires gender-specific terminology used in adoption and divorce matters to be construed in a gender-neutral manner. Effective 3/22/2075. (SD1)

DHS appreciates the legislative proposals to modernize Hawaii's parentage and family laws to reflect the diversity of families. However, some attention needs to be focused on the consistency between and comprehensiveness of measures. For example, HB 384 repeals the existing Uniform Parentage Act (UPA), codified in Chapter 584, Hawai'i Revised Statutes (HRS), and replaces it with portions of the Uniform Parentage Act of 2017. HB 384 includes gender-neutral terms, though not the same gender-neutral terms – "non-birthing parent" and "birthing parent" that SB 109 SD1 introduces. Relatedly, SB 110 proposes rules of interpretation terms in gender-neutral terms without an approach to standardized gender-neutral terms that reflect essential relationships. It also requires administrative rules to be updated.

From a program implementation perspective, the Social Services Division, Child Welfare Services Branch (CWS), which is the Division and Branch most involved with family law and adoption proceedings, will need time to reconcile the changes, update or revamp processes and procedures, develop training, and modify their IT systems. In addition, CWS must also work with contracted providers to update their programs and services. At this time, we do not have an estimate for the resources needed to make these changes. Therefore, DHS respectfully requests an extended effective date no matter which bill passes.

Lastly, regarding administrative rules, other divisions may also need to update their administrative rules to be gender-neutral. This will take time as it is unlikely that rules will be updated for this purpose only.

Thank you for the opportunity to provide comments on this measure.

SB-110-SD-1

Submitted on: 3/15/2023 1:14:32 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Representatives,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 110 SD 1.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair and SCC Representative
Stonewall Caucus for the DPH

SB-110-SD-1

Submitted on: 3/15/2023 8:51:52 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports SB110. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member

SB-110-SD-1

Submitted on: 3/15/2023 11:05:15 AM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Bartlett	Individual	Oppose	In Person

Comments:

This is compelled speech and is not legal; rather it is discriminatory to force compelled speech. There are biological males and females which is our innate identity. The goal of using neutral terms is a political "wish" on behalf of a loud minority that often intimidates our legislators. The goal is to "queer" our language to adopt the non normal for this minority over what the majority would have the language remain. Queering means to de-normalize and is a way to change the culture. Once we start allowing compelled speech in this small division it will set a precedent to use in our institutions such as schools and government contracts. We need to keep our attention in reality and not be swayed by activists who are well funded and are working for this false "progressivism" within our own parties. Switching to gender neutral will harm both our legal system, our policy wording and our citizens.

Being non biased and accepting of non gender conforming minors and adults is another issue entirely it has nothing to do with compelled speech.

Do not let activist agents compel our speech on any documents or in any government institution. Hawaii's beautiful mahu culture would never ask the whole village to adopt gender neutral terms which denigrate the idea of male, female, boy or girl or denigrate binary attraction. Mahu would not stand on a side where all the minors are exposed to gender and sexual ideas at young ages as this ideology is doing in our schools right now under the false label of anti bias training and empathy. Just as this confuses young children it is not good for our voting adult community. We need the integrity to call a spade a spade and say no to this activist agenda language of compelled speech that does not serve the voting public, the business community or the legal documents.

SB-110-SD-1

Submitted on: 3/15/2023 11:41:49 AM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Aloha, I am a member of the Democratic Party of Hawaii, Stonewall Caucus, and fully support the testimony in support of this bill by our Chair, Michael Golojuch, Jr. I also echo the reasons articulated in Jacqueline Fox's testimony. I believe this bill is crucial in promoting inclusivity and respect for the LGBTQ+ community in our legal system. Since childhood, my step-father, Julian Francis Ahu Morgan impressed/instilled upon all of his children, the importance of treating all people equally. Encourage you to pass this bill.

SB-110-SD-1

Submitted on: 3/15/2023 12:46:05 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

STRONGLY OPPOSE: There is such a thing as objective truth. Gender (male & female) is an objective truth. Do not subject the majority of Hawaii Residents to this irresponsible partisan nonsense.

SB-110-SD-1

Submitted on: 3/15/2023 3:52:11 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support

SB-110-SD-1

Submitted on: 3/15/2023 5:07:31 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Yatsushiro	Individual	Oppose	Written Testimony Only

Comments:

Again, no one's thought about what will happen if this measure is applied - please see the Attorney General's February 9, 2023 testimony on SB109. Thank you.

SB-110-SD-1

Submitted on: 3/15/2023 7:13:05 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Takayama, and members of the JHA committee,

As a concerned citizen and public health professional, I am writing in support of SB110 SD1, which would replace gender-specific terminology used in adoption and divorce matters with gender-neutral terminology.

Hawai'i has established laws and policies that allow for people of all genders to get their birth certificate, driver's license and other documents updated, so it follows that other legal documents follow suit. The National Center for State Courts put forth that gender neutral terminology for judicial matter is important for "fairness, dignity, and impartiality".

(https://www.ncsc.org/_data/assets/pdf_file/0028/84916/Gender-Inclusivity-in-the-Courts.pdf)

This bill is important for fair, equitable, and consistent legal proceedings in Hawaii, especially for matters related to local families.

Please support this bill.

With thanks,

Thaddeus Pham (he/him)

SB-110-SD-1

Submitted on: 3/15/2023 10:26:43 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Abby Simmons	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and esteemed members of the Committee,

I am testifying in strong support for SB110, to adopt gender neutral terminology for adoption and divorce matters.

There simply is no need to have gender specific terminology, as it is not relevant to the matters at hand. In fact, using gender specific terminology assumes that all marriages and divorces, are between a man and a woman and therefore are out of date. The same is true for adoptions.

Adopting gender neutral terminology is a necessary update to keep existing laws relevant to all marriages or divorces and adoptions.

Thank you for considering my testimony.

SB-110-SD-1

Submitted on: 3/16/2023 7:35:29 AM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Danielle Sato	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in **STRONG SUPPORT** of this measure to have adoption and divorce matters be conducted with gender-neutral terminology, which is an important step in making this more inclusive for sexual and gender minority (ie, LGBTQ) individuals in all realms of daily life.

Mahalo for your consideration.

SB-110-SD-1

Submitted on: 3/16/2023 8:45:08 AM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Breanna Zoey	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and esteemed members of the committee,

I am testifying in **strong support** of SB110.

Efforts aiming to update our rules, regulations, and processes to reflect gender neutral terminology is pretty common sense these days, and the old way of referring to relationships, adoptions, etc as matters that occur strictly between a man and a woman are outdated and don't reflect the times. By adopting a gender-neutral approach, this bill will help ensure that all individuals are able to be recognized and respected in the legal system, regardless of their identity.

Thank you for hearing my testimony. -breanna zoey (she/they)

SB-110-SD-1

Submitted on: 3/16/2023 9:23:52 AM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maddalynn Seseparasara	Individual	Support	Written Testimony Only

Comments:

Chair Rhoads and Members of the Committee: The Department of the Attorney General appreciates the intent of this bill and has the following comments. The purpose of this bill is to replace current gender-specific terminology with gender-neutral terminology in matters of adoption and divorce by amending sections 321-342, 571-61, 578-1, 578-2, 578-14.5, 578-15, 580-21, 580-22, 580-23, 580-24, 580- 26. 580-47, 580-56, and 587A-4 of Hawaii Revised Statutes (HRS). We note that several of the replaced terms may result in confusion and inconsistent application of the law in some circumstances. The bill amends sections 571-61, 578-1, 578-2, and 578-14.5, HRS to change "mother" to "birthing parent" or "natural parent" and "father" to either "parent" or "natural parent." See page 2, line 4, et seq. In each section, the use of the terms "mother" and "father" is intentional and the change might create confusion or alter the meaning in a way that digresses from the intention of the original statute. For example, section 578- 2(a), states in part at page 10, line 19, to page 11, line 6: a petition to adopt a child may be granted only if written consent to the proposed adoption has been executed by: (1) The [mother] birthing parent of the child; (2) A legal [father] parent [as] to whom the child is a legitimate child; Testimony of the Department of the Attorney General Thirty-Second Legislature, 2023 Page 2 of 2 (3) An adjudicated [father] parent whose relationship to the child has been determined by a court; (4) A presumed [father] natural parent under [section 578 2(d);] subsection (d); By changing the word from "father" to "parent," in paragraphs (2) and (4) these provisions can be misconstrued as either mother or father when the original intent was to apply only to a child's legal father. In order to clarify which individual is being identified, we suggest revising all references to mother as "birthing parent" and father as "non-birthing parent." We also note that on page 5, lines 4 and 5, and page 15, lines 8 and 11, the wording changes from "stepfather" to "stepparent." The differentiation between stepfather and stepmother is necessary in these instances, as the referenced statutes specifically refer to a relationship between a stepfather and a birthing parent. Therefore, in order to maintain the intent of the original statutes, we suggest changing the reference to "stepfather" to "birthing parent's spouse." Finally, we note on page 24, line 17, the bill did not incorporate a gender-neutral term to replace "uncle and niece, aunt and nephew" in the context of marriage annulment on the grounds of consanguinity. We suggest replacing this phrase with "a person and the person's biological parent's sibling" to maintain consistency with the bill and the original intent of 580-21 HRS. The Department is happy to work with the Legislature to amend the bill to best effectuate its intent. Thank you for the opportunity to testify.

SB-110-SD-1

Submitted on: 3/16/2023 2:40:22 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Kagemoto	Individual	Support	Written Testimony Only

Comments:

Thank you Chair Tarnas for the opportunity to testify in strong support! I am very grateful for your giving this bill the opportunity to be heard before your committee.

SB-110-SD-1

Submitted on: 3/16/2023 3:32:31 PM

Testimony for JHA on 3/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nikki-Ann Yee	Individual	Support	Written Testimony Only

Comments:

I support!