
A BILL FOR AN ACT

RELATING TO PARENTAGE.

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

1 SECTION 1. This Act implements appropriate portions of the
2 Uniform Parentage Act of 2017 to replace the Uniform Parentage
3 Act of 1973.

4 SECTION 2. The Hawaii Revised Statutes is amended by
5 adding a new chapter to title 31 to be appropriately designated
6 and to read as follows:

7 "CHAPTER

8 UNIFORM PARENTAGE ACT

9 PART I. GENERAL PROVISIONS

10 § -1 Short title. This chapter may be cited as the
11 Uniform Parentage Act.

12 § -2 Definitions. In this chapter:

13 "Acknowledged parent" means an individual who has
14 established a parent-child relationship under part III or IV.

15 "Adjudicated parent" means an individual who has been
16 adjudicated to be a parent of a child by a court with
17 jurisdiction.



1 "Alleged genetic parent" means an individual who is alleged
2 to be, or alleges that the individual is, a genetic parent or
3 possible genetic parent of a child whose parentage has not been
4 adjudicated. The term does not include a presumed parent; an
5 individual whose parental rights have been terminated or
6 declared not to exist; or a donor.

7 "Birth" includes stillbirth.

8 "Birthing center" means any facility outside a hospital
9 that provides maternity services.

10 "Birthing hospital" means any hospital with licensed
11 obstetric-care units, any hospital licensed to provide obstetric
12 services, or any licensed birthing center associated with a
13 hospital.

14 "Child" means an individual of any age whose parentage may
15 be determined under this chapter.

16 "Child support enforcement agency" means the state agency
17 created pursuant to chapter 576D.

18 "Combined relationship index" means the product of all
19 tested relationship indices.

20 "De facto parent" means an individual who meets the
21 criteria set out in section -63(d).



1 "Determination of parentage" means establishment of a
2 parent-child relationship by a judicial or administrative
3 proceeding or signing of a valid acknowledgment of parentage
4 under part IV.

5 "Ethnic or racial group" means for the purpose of genetic
6 testing, a recognized group that an individual identifies as the
7 individual's ancestry or part of the ancestry or that is
8 identified by other information.

9 "Facility" means a birthing hospital or a birthing center.

10 "Genetic parent" means an individual whose relationship to
11 a child has been determined by genetic testing.

12 "Genetic testing" means an analysis of genetic markers to
13 identify or exclude a genetic relationship.

14 "Hypothesized genetic relationship" means an asserted
15 genetic relationship between an individual and a child.

16 "Individual" means a natural person of any age.

17 "Parent" means an individual who has established a
18 parent-child relationship under section -31.

19 "Parentage" or "parent-child relationship" means the legal
20 relationship between a child and a parent of the child.



1 "Presumed parent" means an individual who under
2 section -33 is presumed to be a parent of a child unless the
3 presumption is overcome in a judicial proceeding, or a court
4 adjudicates the individual to be a parent.

5 "Probability of parentage" means, for the ethnic or racial
6 group to which an individual alleged to be a parent belongs, the
7 probability that a hypothesized genetic relationship is
8 supported, compared to the probability that a genetic
9 relationship is supported between the child and a random
10 individual of the ethnic or racial group used in the
11 hypothesized genetic relationship, expressed as a percentage
12 incorporating the combined relationship index and a prior
13 probability.

14 "Relationship index" means a likelihood ratio that compares
15 the probability of a genetic marker given a hypothesized genetic
16 relationship and the probability of the genetic marker given a
17 genetic relationship between the child and a random individual
18 of the ethnic or racial group used in the hypothesized genetic
19 relationship.

20 "Signatory" means an individual who signs a record.



1 "Witnessed" means that at least one individual who is
2 authorized to sign has signed a record to verify that the
3 individual personally observed a signatory sign the record.

4 PART II. JURISDICTION

5 § -21 Jurisdiction; venue. (a) Without limiting the
6 jurisdiction of any other court, the family court has
7 jurisdiction over an action brought under this chapter, chapter
8 583A, or chapter 576B. The action may be joined with an action
9 for divorce, annulment, separate maintenance, or support.

10 (b) An individual who has sexual intercourse in this State
11 thereby submits to the jurisdiction of the courts of this State
12 as to an action brought under this chapter with respect to a
13 child who may have been conceived by that act of intercourse,
14 regardless of where the child is born. A court of this State
15 with jurisdiction to adjudicate parentage may exercise personal
16 jurisdiction over a nonresident individual, or a guardian or
17 conservator of the individual, if the conditions prescribed in
18 section 576B-201 are satisfied. In addition to any other method
19 provided by statute, personal jurisdiction over a resident and
20 nonresident individual may be acquired by personal service



1 within or outside this State or by service by certified or
2 registered mail, postage prepaid, with return receipt requested.

3 (c) In addition to any other method of service provided by
4 statute or court rule, if the respondent is not found within the
5 circuit, service may be effectuated by registered or certified
6 mail, with request for a return receipt and direction to deliver
7 to addressee only. The return receipt signed by the respondent
8 shall be prima facie evidence that the respondent accepted
9 delivery of the complaint and summons on the date set forth on
10 the receipt. For service effectuated by registered or certified
11 mail, an electronic copy or facsimile of the signature of the
12 served individual or certified mailers provided by the United
13 States Postal Service shall constitute valid proof of service on
14 the individual. Actual receipt by the respondent of the
15 complaint and summons sent by registered or certified mail shall
16 be the equivalent to personal service on the respondent by an
17 authorized process server as of the date of the receipt.

18 (d) If it appears that the respondent has refused to
19 accept service by registered or certified mail or is concealing
20 oneself or evading service, or the petitioner does not know the
21 address or residence of the respondent and has not been able to



1 ascertain the same after reasonable and due inquiry and search,
2 the court may authorize notice of the parentage action and the
3 time and date of hearing by publication or by any other manner
4 that is reasonably calculated to give the party actual notice of
5 proceedings and an opportunity to be heard, including the
6 following:

7 (1) When publication is authorized, the summons shall be
8 published once a week for four consecutive weeks in a
9 publication of general circulation in the circuit.
10 The publication of general circulation shall be
11 designated by the court in the order for publication
12 of the summons. Notice by publication shall have the
13 same force and effect as the individual having been
14 personally served with the summons; provided that the
15 date of the last publication shall be set not less
16 than twenty-one days prior to the return date stated
17 in the summons. Proof of service shall be satisfied
18 by an affidavit or declaration by the authorized
19 representative for the publication that the notice was
20 given in the manner prescribed by the court;



- 1 (2) When posting to an online publication website is
2 authorized, proof of service shall be satisfied by an
3 affidavit or declaration by the authorized
4 representative for the publication that the notice was
5 given in the manner prescribed by the court;
- 6 (3) When service by electronic mail or posting to a social
7 networking account is authorized, proof of service
8 shall be satisfied by an affidavit or declaration by
9 the process server that the notice was given in the
10 manner prescribed by the court; and
- 11 (4) When service is made by posting to a public bulletin
12 board, proof of service shall be satisfied by an
13 affidavit or declaration by the process server that
14 the notice was given in the manner prescribed by the
15 court.
- 16 (e) The action may be brought in the county in which:
- 17 (1) The child resides;
- 18 (2) Either parent of the child resides;
- 19 (3) The child was born; or



1 (4) Any probate proceedings have been or could be
2 commenced for the estate of a deceased parent of the
3 child.

4 § -22 Parentage determinations from other states and
5 territories. Parentage determinations from other states and
6 territories, whether established through voluntary
7 acknowledgement or through administrative or judicial processes,
8 shall be treated the same as a parentage adjudication in this
9 State. A determination addressing parentage only in another
10 state does not preclude a court in this State from addressing
11 other related issues.

12 § -23 Who may bring action; when action may be brought;
13 process, warrant, bond. (a) A child or guardian ad litem of
14 the child, an individual who is the child's parent under this
15 chapter, an individual whose parentage of the child is to be
16 adjudicated, a personal representative of a deceased parent of
17 the child, the personal representative of a deceased individual
18 who otherwise would be entitled to maintain a proceeding, or the
19 child support enforcement agency may bring an action for the
20 purpose of declaring the existence or nonexistence of a
21 parent-child relationship in accordance with the following:



1 (1) If the child is the subject of an adoption proceeding,
2 action may be brought:

3 (A) Within thirty days after the date of the child's
4 birth in any case when a parent relinquishes the
5 child for adoption during the thirty-day period;
6 or

7 (B) Any time prior to the date of execution by a
8 parent of a valid consent to the child's
9 adoption, or prior to placement of the child with
10 adoptive parents;

11 (2) If the child has not become the subject of an adoption
12 proceeding, within three years after the child reaches
13 the age of majority or any time after that for good
14 cause; provided that any period of time during which
15 the individual whose parentage is to be adjudicated is
16 absent from the State or is openly cohabitating with a
17 parent of the child or is contributing to the support
18 of the child, shall not be computed;

19 (3) This section shall not extend the time within which a
20 right of inheritance or a right to a succession may be
21 asserted beyond the time provided by law relating to



1 distribution and closing of decedents' estates or to
2 the determination of heirship, or otherwise; and

3 (4) A personal representative in this section may be
4 appointed by the court upon a filing of an ex parte
5 motion by one of the parties entitled to file a
6 parentage action. Probate requirements need not be
7 met. However, appointment of the personal
8 representative in this section is limited to
9 representation in proceedings under this chapter.

10 (b) When an action is brought under this section, process
11 shall issue in the form of a summons and an order directed to
12 the individual whose parentage of the child is to be
13 adjudicated, requiring each to appear and to show cause why the
14 action should not be brought.

15 If, at any stage of the proceedings, there appears probable
16 cause to believe that the individual whose parentage is to be
17 adjudicated will fail to appear in response thereto or will flee
18 the jurisdiction of the court, the court may issue a warrant
19 directed to the sheriff, deputy sheriff, or any police officer
20 within the circuit, requiring the individual to be arrested and
21 brought for pre-trial proceedings before the family court. Upon



1 the pre-trial proceedings, the court may require the individual
2 to enter into bond with good sureties to the State in a sum to
3 be fixed by the court for each individual's appearance and the
4 trial of the proceeding in the family court. If the individual
5 whose parentage is to be adjudicated fails to give the bond
6 required, the court may immediately commit that individual to
7 the custody of the chief of police of the county, there to
8 remain until that individual enters into the required bond or
9 otherwise is discharged by due process of law. If the
10 individual whose parentage is to be adjudicated fails to appear
11 in any proceeding under this chapter, any bond for that
12 individual's appearance in any proceeding under this chapter
13 shall be forfeited; but the trial of, or other proceedings in,
14 the action shall proceed as though that individual were present
15 and the court shall make such orders as it deems proper upon the
16 findings as though that individual were in court.

17 In case of forfeiture of any appearance bond, the money
18 collected upon the forfeiture shall be applied in payment of the
19 judgment against the individual if they are adjudicated to be a
20 parent under this chapter.



1 (c) Regardless of its terms, an agreement, other than an
2 agreement approved by the court in accordance with
3 section -51(a)(2), between a parent and the individual whose
4 parentage is to be adjudicated shall not bar an action under
5 this section.

6 (d) If an action under this section is brought before the
7 birth of the child, all proceedings shall be stayed until after
8 the birth, except service of process and the taking of
9 depositions to perpetuate testimony.

10 (e) Subject to the requirements of section -33(a),
11 where a married individual has not had sexual contact with their
12 spouse nor resided in the same house with the spouse for at
13 least three hundred days prior to the birth of the child and the
14 spouse cannot be contacted after due diligence, the court may
15 accept an affidavit by the married individual, attesting to
16 their diligent efforts to contact their spouse and providing
17 clear and convincing evidence to rebut the presumption of the
18 parentage of the subject child, and upon the court's
19 satisfaction, notice of the spouse may be waived and the spouse
20 need not be made a party in the parentage proceedings. The



1 court, after receiving evidence, may also enter a finding of
2 non-parentage of the spouse.

3 (f) Where a married individual has not had sexual contact
4 with their spouse nor resided in the same house with the spouse
5 for at least three hundred days prior to the birth of the child,
6 and the biological parent is known, parentage in the married
7 spouse may be disestablished by submission of affidavits of both
8 spouses and the biological parent stating the name and birthdate
9 of the child and an acknowledgement that the spouse is not the
10 parent and that the biological parent should be adjudicated as
11 the legal parent.

12 PART III. PARENT-CHILD RELATIONSHIP

13 § -31 Establishment of parent-child relationship. A
14 parent-child relationship is established between an individual
15 and a child if:

- 16 (1) The individual gives birth to the child;
17 (2) There is a presumption under section -33 of the
18 individual's parentage of the child, unless the
19 presumption is overcome in a judicial proceeding;
20 (3) The individual is adjudicated a parent of the child
21 under part V;



- 1 (4) The individual adopts the child; or
- 2 (5) The individual acknowledges parentage of the child
- 3 under part IV, unless the acknowledgment is rescinded
- 4 under section -43(d) or successfully challenged
- 5 under part IV or V.

6 § -32 Relationship not dependent on marriage. A
 7 parent-child relationship extends equally to every child and
 8 parent, regardless of the marital status of the parent.

9 § -33 Presumption of parentage. (a) An individual is
 10 presumed to be a parent of a child if:

11 (1) Except as otherwise provided under the law of this
 12 State other than this chapter:

13 (A) The individual and the individual who gave birth
 14 to the child are married to each other and the
 15 child is born during the marriage, regardless of
 16 whether the marriage is or could be declared
 17 invalid and regardless of the sex of the
 18 individuals;

19 (B) The individual and the individual who gave birth
 20 to the child were married to each other and the
 21 child is born not later than three hundred days



1 after the marriage is terminated by death,
2 divorce, annulment, or after a decree of
3 separation, regardless of whether the marriage is
4 or could be declared invalid; or

5 (C) The individual and the individual who gave birth
6 to the child married each other after the birth of
7 the child, regardless of whether the marriage is
8 or could be declared invalid, the individual at
9 any time asserted parentage of the child, and:

10 (i) The assertion is in a record filed with the
11 department of health; or

12 (ii) The individual agreed to be and is named as
13 a parent of the child on the birth
14 certificate of the child;

15 (2) The individual resided in the same household with the
16 child prior to the child reaching the age of majority,
17 including any period of temporary absence, and openly
18 held out the child as the individual's child; or

19 (3) The individual is deemed a genetic parent pursuant to
20 section -61.



1 (b) A presumption under this section may be rebutted in an
2 appropriate action only by clear and convincing evidence.

3 PART IV. VOLUNTARY ESTABLISHMENT OF PARENTAGE

4 § -41 Acknowledgment of parentage. An individual who
5 gave birth to a child and an alleged genetic parent of the child
6 may sign an acknowledgment of parentage to establish the
7 parentage of the child.

8 § -42 Execution of acknowledgment of parentage. (a) An
9 acknowledgment of parentage under section -41 shall:

10 (1) Be in a record signed by the individual who gave birth
11 to the child and by the individual seeking to
12 establish a parent-child relationship, and the
13 signatures must be attested by a notarial officer or
14 witnessed;

15 (2) State that the child whose parentage is being
16 acknowledged:

17 (A) Does not have a presumed parent other than the
18 individual seeking to establish the parent-child
19 relationship; and

20 (B) Does not have another acknowledged parent or
21 adjudicated parent; and



1 (3) State that the signatories understand that the
2 acknowledgment is the equivalent of an adjudication of
3 parentage of the child and that a challenge to the
4 acknowledgment is permitted only under limited
5 circumstances and is barred two years after the
6 effective date of the acknowledgment, unless good
7 cause is shown.

8 (b) An acknowledgment of parentage is void if, at the time
9 of signing:

10 (1) An individual other than the individual seeking to
11 establish parentage is a presumed parent, or

12 (2) An individual, other than the individual who gave
13 birth to the child or the individual seeking to
14 establish parentage, is an acknowledged or adjudicated
15 parent.

16 § -43 Expedited process of parentage. (a) To expedite
17 the establishment of parentage, each public and private birthing
18 hospital or center, the child support enforcement agency, and
19 the department of health shall provide parents the opportunity
20 to voluntarily acknowledge the parentage of a child during the
21 period immediately prior to or following the child's birth. The



1 voluntary acknowledgment of parentage shall be in writing and
2 shall consist of a single form signed under oath, or electronic
3 version as allowed by statute, by the individual who gave birth
4 to the child and the individual seeking to establish a
5 parent-child relationship and signed by a witness. The
6 voluntary acknowledgment of parentage form shall include the
7 social security number of each signatory. Prior to the signing
8 of the voluntary acknowledgment of parentage form, designated
9 staff members of the facilities shall provide to both the
10 individual who gave birth to the child and the other signatory,
11 if either are present at the facility:

- 12 (1) Written materials regarding parentage establishment;
- 13 (2) Forms necessary to voluntarily acknowledge parentage;
- 14 (3) Oral, video, or audio, and written descriptions of the
15 alternatives to the legal consequences of, and the
16 rights and responsibilities of acknowledging
17 parentage, including, if one parent is a minor, any
18 right afforded due to minority status; and
- 19 (4) The opportunity to speak with staff, either by
20 telephone or in person, who are trained to clarify



1 information and answer questions about parentage
2 establishment.

3 The completed voluntary acknowledgment forms shall clearly
4 identify the name and position of the staff member who provides
5 information to the parents regarding parentage establishment.

6 The provision by designated staff members of the facility of the
7 information required by this section shall not constitute the
8 unauthorized practice of law. Each facility shall send to the
9 department of health the original acknowledgment of parentage or
10 an electronic version as allowed by statute, containing the
11 social security numbers, dates of birth, places of birth, and
12 ethnic backgrounds, if available, of both signatories, with the
13 information required by the department of health so that the
14 birth certificate issued includes the names of the signatories,
15 which shall be promptly recorded by the department of health.

16 (b) The child support enforcement agency shall:

17 (1) Provide to any individual or facility the necessary:

18 (A) Materials and forms and a written description of
19 the rights and responsibilities related to
20 voluntary acknowledgment of parentage; and



- 1 (B) Training, guidance, and written instructions
2 regarding voluntary acknowledgment of parentage;
- 3 (2) Annually assess each facility's parentage
4 establishment program; and
- 5 (3) Determine if a voluntary acknowledgment has been filed
6 with the department of health whenever it receives an
7 application for parentage establishment services.
- 8 (c) Notwithstanding sections 338-17.7 and 338-18(b), the
9 department of health shall disclose to the child support
10 enforcement agency, upon request, all voluntary acknowledgment
11 of parentage forms on file with the department of health.
- 12 (d) The signed voluntary acknowledgment of parentage shall
13 constitute a legal finding of parentage, subject to the right of
14 any signatory to rescind the acknowledgment:
- 15 (1) Within sixty days of signature; or
- 16 (2) Before the date of an administrative or judicial
17 proceeding relating to the child, including a
18 proceeding to establish a support order to which the
19 signatory is a party, whichever is sooner.
- 20 (e) Following the sixty-day period referred to in
21 subsection (d), a signed voluntary acknowledgment of parentage



1 may be challenged in court only on the basis of fraud, duress,
2 or material mistake of fact, with the burden of proof on the
3 challenger. The legal responsibilities of any signatory arising
4 from the acknowledgment, including child support obligations,
5 shall not be suspended during the challenge, except for good
6 cause shown.

7 (f) The courts and office of child support hearings of
8 this State shall give full faith and credit to affidavits for
9 the voluntary acknowledgment of parentage signed in any other
10 state and these affidavits shall constitute legal findings of
11 parentage subject to subsections (d) and (e).

12 (g) Judicial and administrative proceedings shall not be
13 required or permitted to ratify an unchallenged acknowledgment
14 of parentage. A voluntary, written acknowledgment of parentage
15 signed by the individuals and filed with the department of
16 health shall be the basis for establishing and enforcing a
17 support obligation through a judicial or administrative
18 proceeding.

19 **PART V. PROCEEDING TO ADJUDICATE PARENTAGE**

20 § -51 Pretrial recommendations. (a) On the basis of
21 the information produced at the pretrial hearing, the judge



1 conducting the hearing shall evaluate the probability of
2 determining the existence or nonexistence of the parent-child
3 relationship in a trial and whether a judicial declaration of
4 the relationship would be in the best interest of the child
5 pursuant to section 571-46. On the basis of the evaluation, an
6 appropriate recommendation for settlement shall be made to the
7 parties, which may include any of the following:

- 8 (1) That the action be dismissed with or without
9 prejudice;
- 10 (2) That the matter be compromised by an agreement among
11 the parent and the individual who is seeking to have
12 their parentage adjudicated, and the child, in which
13 the individual seeking to be adjudicated to be a
14 parent is not adjudicated to be a parent but in which
15 a defined economic obligation is undertaken by the
16 alleged parent in favor of the child and, if
17 appropriate, in favor of the parent, subject to
18 approval by the judge conducting the hearing. In
19 reviewing the obligation undertaken by the individual
20 whose parentage is to be adjudicated in a compromise
21 agreement, the judge conducting the hearing shall



1 consider the best interest of the child, in light of
2 the factors enumerated in section 576D-7, discounted
3 by the improbability, as it appears to the judge, of
4 establishing the parentage or nonparentage of the
5 individual whose parentage is to be adjudicated in a
6 trial of the action; or

7 (3) That the alleged parent voluntarily acknowledges
8 parentage of the child.

9 (b) If the parties accept a recommendation made in
10 accordance with subsection (a), judgment shall be entered
11 accordingly.

12 (c) If a party refuses to accept the final recommendation
13 made under subsection (a) and genetic tests have not been taken,
14 if practicable, the court may order the parties to submit to
15 genetic tests. Thereafter the judge shall make an appropriate
16 final recommendation. If a party refuses to accept the final
17 recommendation, the action shall be set for trial.

18 (d) The guardian ad litem may accept or refuse to accept a
19 recommendation under this section.

20 (e) The informal hearing may be terminated and the action
21 set for trial if the judge conducting the hearing finds it



1 unlikely that all parties would accept a recommendation the
2 judge might make under subsection (a) or (c).

3 § -52 Civil action. (a) An action under this chapter
4 shall be a civil action governed by the Hawaii rules of civil
5 procedure or the Hawaii family court rules. The individual who
6 gave birth to the child and the alleged parent shall be
7 competent to testify and may be compelled to testify; provided
8 that no criminal prosecution, other than a prosecution for
9 perjury, shall afterwards be commenced against the individual
10 who gave birth to the child or the individual whose parentage is
11 to be adjudicated on account of any transaction, matter, or
12 thing concerning which they may testify or produce evidence
13 under this chapter, documentary or otherwise. Part VII shall
14 apply in any action brought under this chapter.

15 (b) Testimony relating to sexual access to the individual
16 who gave birth to the child by an unidentified individual at any
17 time or by an identified individual at a time other than the
18 probable time of conception of the child shall be inadmissible
19 in evidence, unless offered by the individual who gave birth to
20 the child.



1 (c) In an action against an individual whose parentage is
2 to be adjudicated, evidence offered by the individual whose
3 parentage is to be adjudicated with respect to an individual who
4 is not subject to the jurisdiction of the court concerning
5 sexual intercourse with the individual who gave birth to the
6 child at or about the probable time of conception of the child
7 shall be admissible in evidence only if the individual offering
8 the evidence has undergone and made available to the court
9 genetic tests, including genetic tests the results of which do
10 not exclude the possibility of the individual's parentage of the
11 child.

12 § -53 **Action to declare parent-child relationship.** Any
13 interested party may bring an action to determine the existence
14 or nonexistence of a parent-child relationship.

15 § -54 **Judgment or order.** (a) The judgment or order of
16 the court determining the existence or nonexistence of the
17 parent-child relationship shall be determinative for all
18 purposes.

19 (b) If the judgment or order of the court is at variance
20 with the child's birth certificate, the court shall order that a
21 new birth certificate be issued under -59.5.



1 (c) The judgment or order may contain any other provision
2 directed against the appropriate party to the proceeding,
3 concerning the duty of support, the custody and guardianship of
4 the child, visitation privileges with the child, the furnishing
5 of bond or other security for the payment of the judgment, or
6 any other matter in the best interest of the child. Upon
7 neglect or refusal to give this security, or upon default of a
8 parent or a parent's surety in compliance with the terms of the
9 judgment, the court may order the forfeiture of any such
10 security and the application of the proceeds thereof toward the
11 payment of any sums due under the terms of the judgment and may
12 also sequester a parent's personal estate, and the rents and
13 profits of a parent's real estate, and may appoint a receiver
14 thereof, and may cause a parent's personal estate, including any
15 salaries, wages, commissions, or other moneys owed to them and
16 the rents and profits of the parent's real estate, to be applied
17 toward the meeting of the terms of the judgment, to the extent
18 that the court, from time to time, deems just and reasonable.
19 The judgment or order may direct a parent to pay the reasonable
20 expenses of the pregnancy and confinement, including but not
21 limited to medical insurance premiums, such as for MedQuest,



1 that cover the periods of pregnancy, childbirth, and
2 confinement. The court may further order the noncustodial
3 parent to reimburse the custodial parent, the child, or any
4 public agency for reasonable expenses incurred prior to entry of
5 judgment, including support, maintenance, education, and funeral
6 expenses expended for the benefit of the child.

7 (d) Support judgments or orders ordinarily shall be for
8 periodic payments that may vary in amount. In the best interest
9 of the child, a lump sum payment or the purchase of an annuity
10 may be ordered in lieu of periodic payments of support. The
11 court may limit the obligor parent's liability for past support
12 of the child to the proportion of the expenses already incurred
13 that the court deems just.

14 (e) In determining the amount to be paid by a parent for
15 support of the child and the period during which the duty of
16 support is owed, a court enforcing the obligation of support
17 shall use the guidelines established section 576D-7. Provision
18 may be made for the support, maintenance, and education of an
19 adult or minor child and an incompetent adult child, whether or
20 not the petition is made before or after the child has attained
21 the age of majority.



1 (f) Whenever a parent of a child is a minor, unmarried,
2 and not able to provide full support, the court may order one or
3 both parents of the minor to support the child until the minor
4 reaches the age of majority, is otherwise emancipated, or is
5 financially able to fully support the child, whichever occurs
6 first. For this purpose:

7 (1) The judgment or order for support shall be made
8 against the parent or parents of the minor to the
9 extent that the minor is unable to support the child;

10 (2) The resources, standard of living, and earning ability
11 of the parent or parents of the minor shall be
12 considered under subsection (e) in determining the
13 amount of support; and

14 (3) The parent or parents of the minor shall be an obligor
15 under this chapter and chapter 571 and any action
16 against the obligor to collect support may be pursued
17 against the parent or parents of the minor.

18 § -55 Costs. The court may order reasonable fees of
19 counsel, experts, and the child's guardian ad litem, and other
20 costs of the action and pretrial proceedings, including genetic



1 tests, subject to section -75, to be paid by the parties in
2 proportions and at times determined by the court.

3 § -56 Enforcement of judgment or order. (a) If
4 existence of the parent-child relationship is declared, or
5 parentage or a duty of support has been acknowledged or
6 adjudicated under this chapter or under prior law, the
7 obligation of a parent may be enforced in the same or other
8 proceedings by the other parent, the child, the public authority
9 that has furnished or may furnish the reasonable expenses of
10 pregnancy, confinement, education, support, or funeral, or by
11 any other individual, including a private agency, to the extent
12 the individual has furnished or is furnishing these expenses.

13 (b) The court may order support payments to be made to a
14 parent or an adult child, or through the child support
15 enforcement agency as its rules permit, or through an
16 individual, corporation, or agency designated to administer
17 support payments for the benefit of the child under the
18 supervision of the court.

19 (c) Wilful failure to obey the judgment or order of the
20 court shall be a civil contempt of the court. All remedies for
21 the enforcement of judgments shall apply to this chapter. When



1 a court of competent jurisdiction issues an order compelling a
2 parent to furnish support, including child support, medical
3 support, or other remedial care, for the parent's child, it
4 shall constitute prima facie evidence of a civil contempt of
5 court upon proof that:

6 (1) The order was made, filed, and served on the parent or
7 proof that the parent was present in court at the time
8 the order was pronounced; and

9 (2) The parent did not comply with the order. An order of
10 civil contempt of court based on prima facie evidence
11 under this subsection shall clearly state that the
12 failure to comply with the order of civil contempt of
13 court may subject the parent to a penalty that may
14 include imprisonment or, if imprisonment is
15 immediately ordered, the conditions that must be met
16 for release from imprisonment. A party may also prove
17 civil contempt of court by means other than prima
18 facie evidence under this subsection.

19 § -57 Modification of judgment or order. (a) The court
20 shall have continuing jurisdiction to modify or revoke a
21 judgment or order:



- 1 (1) For future education and support; and
- 2 (2) With respect to matters listed in section -54(c)
- 3 and (d) and section -56(b), except that a court
- 4 entering a judgment or order for the payment of a lump
- 5 sum or the purchase of an annuity under
- 6 section 54(d) may specify that the judgment or
- 7 order shall not be modified or revoked.
- 8 (b) In those cases where child support payments are to
- 9 continue due to the adult child's pursuance of education, the
- 10 child support enforcement agency, at least three months prior to
- 11 the adult child's nineteenth birthday, shall send notice by
- 12 regular mail to the adult child and the custodial parent that
- 13 prospective child support will be suspended unless proof is
- 14 provided by the custodial parent or adult child, to the child
- 15 support enforcement agency, prior to the child's nineteenth
- 16 birthday, that the child is presently enrolled as a full-time
- 17 student in school or has been accepted into and plans to attend
- 18 as a full-time student for the next semester a post-high school
- 19 university, college, or vocational school. If the custodial
- 20 parent or adult child fails to do so, prospective child support
- 21 payments may be automatically suspended by the child support



1 enforcement agency, hearings officer, or court. In addition, if
2 applicable, the child support enforcement agency, hearings
3 officer, or court may issue an order terminating existing
4 assignments against the responsible parent's income and income
5 assignment orders.

6 (c) The need to provide for the child's health care needs
7 through health insurance or other means shall be a basis for
8 petitioning for a modification of the support order.

9 § -58 Hearings and records; confidentiality. (a)

10 Notwithstanding any other law concerning public hearings and
11 records, any hearing or trial held under this chapter shall be
12 held in closed court without admittance of any individual other
13 than those individuals necessary to the action or proceeding.

14 All papers and records pertaining to the action or proceeding,
15 whether part of the permanent record of the court or of a file
16 in the department of health or elsewhere, shall be subject to
17 inspection only upon consent of the court and all interested
18 individuals, or in exceptional cases only upon an order of the
19 court for good cause shown.

20 (b) Upon parentage being established, the confidentiality
21 requirement shall not extend to the judgment and all



1 subsequently filed documents that are used in good faith for
2 support and medical expenses, insurance, or enforcement
3 purposes, except that the confidentiality requirement shall
4 continue to apply to any references to a non-adjudicated alleged
5 or presumed parent.

6 (c) Subsections (a) and (b) shall only apply to cases
7 filed before January 1, 2021.

8 § -59 Court filings; minutes of proceedings; posting
9 requirement. The judiciary shall post on its website the titles
10 of all court filings and the minutes of court proceedings in
11 cases brought under this chapter; provided that the judiciary
12 shall redact information that has been made confidential by any
13 statute, rule of court, or court order; and provided further
14 that, on request of a party and for good cause, the court may
15 close a proceeding and records to the public except that the
16 titles of all court filings for the case and the contents of a
17 final order shall be available for public inspection, with other
18 papers and records available for public inspection only with the
19 consent of the parties or by court order.

20 § -59.5 Birth records. (a) Upon order of a court of
21 this State or upon request or order of a court of another state,



1 or following acknowledgment as provided in section -41, the
2 department of health shall prepare a new certificate of birth
3 consistent with the findings of the court or in cases of
4 acknowledgment under section -41, consistent with the
5 acknowledgment, and shall substitute the new certificate for the
6 original certificate of birth.

7 (b) The fact that a parent-child relationship was declared
8 or acknowledged after the child's birth shall not be
9 ascertainable from the new certificate but the actual place and
10 date of birth shall be shown.

11 (c) The evidence upon which the new certificate was made
12 and the original birth certificate shall be kept in a sealed and
13 confidential file and be subject to inspection only upon consent
14 of the court and all interested individuals, or in exceptional
15 cases only upon an order of the court for good cause shown.

16 § -59.6 Parentage judgment, acknowledgment, support
17 order; social security number. The social security number of
18 any individual who is subject to a parentage judgment or
19 acknowledgment, or a support order issued under this chapter,
20 shall be placed in the records relating to the matter in
21 compliance with any other court rule or law.



1 § -59.7 Filing of acknowledgments and adjudications with
2 department of health. All voluntary acknowledgments and
3 adjudications of parentage by judicial process shall be filed
4 with the department of health for comparison with information in
5 the state case registry. Filing of the adjudications of
6 parentage shall be the responsibility of the natural parent or
7 an individual or agency as the court shall direct.

8 PART VI. SPECIAL RULES FOR PROCEEDINGS

9 TO ADJUDICATE PARENTAGE

10 § -61 Adjudicating parentage of child with alleged
11 genetic parent. (a) A proceeding to determine whether an
12 alleged genetic parent who is not a presumed parent is a parent
13 of a child may be commenced:

14 (1) Within three years after the child reaches the age of
15 majority; or

16 (2) After the child becomes an adult, but only if the
17 child initiates the proceeding.

18 (b) Except as otherwise provided by law, this subsection
19 shall apply in a proceeding described in subsection (a) if the
20 individual who gave birth to the child is the only other
21 individual with a claim to parentage of the child. The court



1 shall adjudicate an alleged genetic parent to be a parent of the
2 child if the alleged genetic parent:

- 3 (1) Is identified under section -75 as a genetic parent
4 of the child and the identification is not
5 successfully challenged under section -75;
- 6 (2) Admits parentage in a pleading, when making an
7 appearance, or during a hearing; the court accepts the
8 admission; and the court determines the alleged
9 genetic parent to be a parent of the child;
- 10 (3) Declines to submit to genetic testing ordered by the
11 court or the child support enforcement agency, in
12 which case the court may adjudicate the alleged
13 genetic parent to be a parent of the child even if the
14 alleged genetic parent denies a genetic relationship
15 with the child;
- 16 (4) Is in default after service of process and the court
17 determines the alleged genetic parent to be a parent
18 of the child; or
- 19 (5) Is neither identified nor excluded as a genetic parent
20 by genetic testing and, based on other evidence, the



1 court determines the alleged genetic parent to be a
2 parent of the child.

3 (c) If in a proceeding involving an alleged genetic parent
4 at least one other individual in addition to the individual who
5 gave birth to the child has a claim to parentage of the child,
6 the court shall adjudicate parentage under section -66.

7 § -62 **Adjudicating parentage of child with presumed**
8 **parent.** (a) A proceeding to determine whether a presumed
9 parent is a parent of a child may be commenced:

10 (1) Within three years after the child reaches the age of
11 majority; or

12 (2) After the child becomes an adult, but only if the
13 child initiates the proceeding.

14 (b) A presumption of parentage under section -33 cannot
15 be overcome after the child attains two years of age unless the
16 court determines:

17 (1) The presumed parent is not a genetic parent, never
18 resided with the child, and never held out the child as
19 the presumed parent's child; or

20 (2) The child has more than one presumed parent.



1 (c) Except as otherwise provided by law, the following
2 rules shall apply in a proceeding to adjudicate a presumed
3 parent's parentage of a child if the individual who gave birth to
4 the child is the only other individual with a claim to parentage
5 of the child:

6 (1) If no party to the proceeding challenges the presumed
7 parent's parentage of the child, the court shall
8 adjudicate the presumed parent to be a parent of the
9 child;

10 (2) If the presumed parent is identified under
11 section -75 as a genetic parent of the child and
12 that identification is not successfully challenged
13 under section -75, the court shall adjudicate the
14 presumed parent to be a parent of the child; and

15 (3) If the presumed parent is not identified under
16 section -75 as a genetic parent of the child and
17 the presumed parent or the individual who gave birth
18 to the child challenges the presumed parent's
19 parentage of the child, the court shall adjudicate the
20 parentage of the child in the best interest of the



1 child based on the factors under section -66(a) and
2 (b).

3 (d) If in a proceeding to adjudicate a presumed parent's
4 parentage of a child, another individual in addition to the
5 individual who gave birth to the child asserts a claim to
6 parentage of the child, the court shall adjudicate parentage
7 under section -66.

8 § -63 Adjudicating claim of de facto parentage of child.

9 (a) A proceeding to establish parentage of a child under this
10 section may be commenced only by an individual who:

- 11 (1) Is alive when the proceeding is commenced; and
- 12 (2) Claims to be a de facto parent of the child.

13 (b) An individual who claims to be a de facto parent of a
14 child must commence a proceeding to establish parentage of a
15 child under this section:

- 16 (1) Before the child attains eighteen years of age; and
- 17 (2) While the child is alive.

18 (c) The following rules shall govern standing of an
19 individual who claims to be a de facto parent of a child to
20 maintain a proceeding under this section:



- 1 (1) The individual must file an initial verified pleading
2 alleging specific facts that support the claim to
3 parentage of the child asserted under this section.
4 The verified pleading must be served on all parents and
5 legal guardians of the child and any other party to
6 the proceeding;
- 7 (2) An adverse party, parent, or legal guardian may file a
8 pleading in response to the pleading filed under
9 paragraph (1). A responsive pleading must be verified
10 and must be served on parties to the proceeding; and
- 11 (3) Unless the court finds a hearing is necessary to
12 determine disputed facts material to the issue of
13 standing, the court shall determine, based on the
14 pleadings under paragraphs (1) and (2), whether the
15 individual has alleged facts sufficient to satisfy by
16 a preponderance of the evidence the requirements of
17 paragraphs (1) through (7) of subsection (d). If the
18 court holds a hearing under this subsection, the
19 hearing shall be held on an expedited basis.
- 20 (d) In a proceeding to adjudicate parentage of an
21 individual who claims to be a de facto parent of the child, if



1 there is only one other individual who is a parent or has a
2 claim to parentage of the child, the court shall adjudicate the
3 individual who claims to be a de facto parent to be a parent of
4 the child if the individual demonstrates by clear and convincing
5 evidence that:

6 (1) The individual resided with the child as a regular
7 member of the child's household for a significant
8 period;

9 (2) The individual engaged in consistent caretaking of the
10 child;

11 (3) The individual undertook full and permanent
12 responsibilities of a parent of the child without
13 expectation of financial compensation;

14 (4) The individual held out the child as the individual's
15 child;

16 (5) The individual established a bonded and dependent
17 relationship with the child which is parental in
18 nature;

19 (6) Another parent of the child fostered or supported the
20 bonded and dependent relationship required under
21 paragraph (5); and



1 (7) Continuing the relationship between the individual and
2 the child is in the best interest of the child.

3 (e) Subject to other limitations in this part, if in a
4 proceeding to adjudicate parentage of an individual who claims
5 to be a de facto parent of the child, there is more than one
6 other individual who is a parent or has a claim to parentage of
7 the child and the court determines that the requirements of
8 subsection (d) are satisfied, the court shall adjudicate
9 parentage under section -66.

10 § -64 Adjudicating parentage of child with acknowledged
11 parent. (a) If a child has an acknowledged parent, a
12 proceeding to challenge the acknowledgment of parentage or a
13 denial of parentage, brought by a signatory to the
14 acknowledgment or denial, is governed by section -43(e).

15 (b) If a child has an acknowledged parent, the following
16 rules shall apply in a proceeding to challenge the
17 acknowledgment of parentage or a denial of parentage brought by
18 an individual, other than the child, who has standing under
19 section -23 and was not a signatory to the acknowledgment or
20 denial:



1 (1) The individual shall commence the proceeding not later
2 than two years after the effective date of the
3 acknowledgment unless the acknowledgment was obtained
4 by fraud;

5 (2) The court may permit the proceeding only if the court
6 finds permitting the proceeding is in the best
7 interest of the child pursuant to section 571-46; and

8 (3) If the court permits the proceeding, the court shall
9 adjudicate parentage under section -66.

10 § -65 **Adjudicating parentage of child with adjudicated**
11 **parent.** (a) If a child has an adjudicated parent, a proceeding
12 to challenge the adjudication, brought by an individual who was
13 a party to the adjudication or received notice under
14 section -21, shall be governed by the rules governing a
15 collateral attack on a judgment.

16 (b) If a child has an adjudicated parent, the following
17 rules shall apply to a proceeding to challenge the adjudication
18 of parentage brought by an individual, other than the child, who
19 has standing under section -23 and was not a party to the
20 adjudication and did not receive notice under section -21:



1 (1) The individual shall commence the proceeding not later
2 than two years after the effective date of the
3 adjudication unless the acknowledgment was obtained by
4 fraud;

5 (2) The court may permit the proceeding only if the court
6 finds permitting the proceeding is in the best
7 interest of the child; and

8 (3) If the court permits the proceeding, the court shall
9 adjudicate parentage under section -66.

10 § -66 Adjudicating competing claims of parentage. (a)

11 Except as otherwise provided by law, in a proceeding to
12 adjudicate competing claims of parentage of a child by two or
13 more individuals, or challenges thereto under
14 section -62, -64, or -65, the court shall adjudicate
15 parentage in the best interest of the child, based on:

16 (1) The age of the child;

17 (2) The length of time during which each individual
18 assumed the role of parent of the child;

19 (3) The nature of the relationship between the child and
20 each individual;



1 (4) The harm to the child if the relationship between the
2 child and each individual is not recognized;

3 (5) The basis for each individual's claim to parentage of
4 the child; and

5 (6) Other equitable factors arising from the disruption of
6 the relationship between the child and each individual
7 or the likelihood of other harm to the child.

8 (b) If an individual challenges parentage based on the
9 results of genetic testing, in addition to the factors listed in
10 subsection (a), the court shall consider:

11 (1) The facts surrounding the discovery that the
12 individual might not be a genetic parent of the child;
13 and

14 (2) The length of time between the time that the
15 individual was placed on notice that the individual
16 might not be a genetic parent and the commencement of
17 the proceeding.

18 (c) The court may adjudicate a child to have more than two
19 parents under this chapter if the court finds that failure to
20 recognize more than two parents would be detrimental to the
21 child. A finding of detriment to the child shall not require a



1 finding of unfitness of any parent or individual seeking an
2 adjudication of parentage. In determining detriment to the
3 child, the court shall consider all relevant factors, including
4 the harm if the child is removed from a stable placement with an
5 individual who has fulfilled the child's physical needs and
6 psychological needs for care and affection and has assumed the
7 role for a substantial period.

8 **PART VII. GENETIC TESTING**

9 **§ -71 Scope of part; limitation on use of genetic**
10 **testing.** This part governs genetic testing of an individual in
11 a proceeding to adjudicate parentage, whether the individual:

- 12 (1) Voluntarily submits to testing; or
13 (2) Is tested under an order of the court or the child
14 support enforcement agency.

15 **§ -72 Authority to order or deny genetic testing.** (a)
16 Except as otherwise provided in this part or part V, in a
17 proceeding under this chapter to determine parentage, the court
18 shall order the child and any other individual to submit to
19 genetic testing if a request for testing is supported by the
20 sworn statement of a party:



1 (1) Alleging a reasonable possibility that the individual
2 is the child's genetic parent; or

3 (2) Denying genetic parentage of the child and stating
4 facts establishing a reasonable possibility that the
5 individual is not a genetic parent.

6 (b) A child support enforcement agency may order genetic
7 testing only if there is no presumed, acknowledged, or
8 adjudicated parent of a child other than the individual who gave
9 birth to the child.

10 (c) The court or child support enforcement agency shall
11 not order in utero genetic testing.

12 (d) If two or more individuals are subject to
13 court-ordered genetic testing, the court may order that testing
14 be completed concurrently or sequentially.

15 (e) Genetic testing of an individual who gave birth to a
16 child is not a condition precedent to testing of the child and
17 an individual whose genetic parentage of the child is being
18 determined. If the individual who gave birth to the child is
19 unavailable or declines to submit to genetic testing, the court
20 may order genetic testing of the child and each individual whose
21 genetic parentage of the child is being adjudicated.



1 (f) In a proceeding to adjudicate the parentage of a child
 2 having a presumed parent or an individual who claims to be a
 3 parent under section -63, or to challenge an acknowledgment
 4 of parentage, the court may deny a motion for genetic testing of
 5 the child and any other individual after considering the factors
 6 in section -66(a) and (b).

7 (g) If an individual requesting genetic testing is barred
 8 under section -43(e) from establishing the individual's
 9 parentage, the court shall deny the request for genetic testing
 10 unless the court finds good cause.

11 (h) An order under this section for genetic testing is
 12 enforceable by contempt.

13 § -73 Requirements for genetic testing. (a) Genetic
 14 testing shall be of a type reasonably relied on by experts in
 15 the field of genetic testing and performed in a testing
 16 laboratory accredited by:

- 17 (1) The AABB, formerly known as the American Association
- 18 of Blood Banks, or a successor to its functions; or
- 19 (2) An accrediting body designated by the Secretary of the
- 20 United States Department of Health and Human Services.



1 (b) A specimen used in genetic testing may consist of a
2 sample or a combination of samples of blood, buccal cells, bone,
3 hair, or other body tissue or fluid. The specimen used in the
4 testing need not be of the same kind for each individual
5 undergoing genetic testing.

6 (c) Based on the ethnic or racial group of an individual
7 undergoing genetic testing, a testing laboratory shall determine
8 the databases from which to select frequencies for use in
9 calculating a relationship index. If an individual or the child
10 support enforcement agency objects to the laboratory's choice,
11 the following rules shall apply:

12 (1) Not later than thirty days after receipt of the report
13 of the test, the objecting individual or the child
14 support enforcement agency may request the court to
15 require the laboratory to recalculate the relationship
16 index using an ethnic or racial group different from
17 that used by the laboratory;

18 (2) The individual or the child support enforcement agency
19 objecting to the laboratory's choice under this
20 subsection shall:



1 (A) If the requested frequencies are not available to
2 the laboratory for the ethnic or racial group
3 requested, provide the requested frequencies
4 compiled in a manner recognized by accrediting
5 bodies; or

6 (B) Engage another laboratory to perform the
7 calculations; and

8 (3) The laboratory may use its own statistical estimate if
9 there is a question as to which ethnic or racial group
10 is appropriate. The laboratory shall calculate the
11 frequencies using statistics, if available, for any
12 other ethnic or racial group requested.

13 (d) If, after recalculation of the relationship index
14 under subsection (c) using a different ethnic or racial group,
15 genetic testing does not identify an individual as a genetic
16 parent of a child, the court may require an individual who has
17 been tested to submit to additional genetic testing to identify
18 a genetic parent.

19 § -74 Report of genetic testing. (a) A report of
20 genetic testing shall be in a record and signed under penalty of
21 perjury by a designee of the testing laboratory. A report



1 complying with the requirements of this part is
2 self-authenticating.

3 (b) Documentation from a testing laboratory of the
4 following information shall be sufficient to establish a
5 reliable chain of custody and allow the results of genetic
6 testing to be admissible without testimony:

7 (1) The name and photograph of each individual whose
8 specimen has been taken;

9 (2) The name of the individual who collected each specimen;

10 (3) The place and date each specimen was collected;

11 (4) The name of the individual who received each specimen
12 in the testing laboratory; and

13 (5) The date each specimen was received.

14 § -75 Genetic testing results; challenge to results.

15 (a) Subject to a challenge under subsection (b), an individual
16 is identified under this chapter as a genetic parent of a child
17 if genetic testing complies with this part and the results of
18 the testing disclose:

19 (1) That the individual has at least a ninety-nine per
20 cent probability of parentage, using a prior
21 probability of 0.50, as calculated by using the



1 combined relationship index obtained in the testing;

2 and

3 (2) A combined relationship index of at least one hundred
4 to one.

5 (b) An individual identified under subsection (a) as a
6 genetic parent of the child may challenge the genetic testing
7 results only by other genetic testing satisfying the
8 requirements of this part which:

9 (1) Excludes the individual as a genetic parent of the
10 child; or

11 (2) Identifies another individual as a possible genetic
12 parent of the child other than:

13 (A) The individual who gave birth to the child; or

14 (B) The individual identified under subsection (a).

15 An alleged parent or party to the paternity action who
16 objects to the admission of the report concerning the
17 genetic test results must file a motion no later than
18 twenty days after receiving a copy of the report and shall
19 show good cause as to why a witness is necessary to lay the
20 foundation for the admission of the report as evidence.

21 The court may, sua sponte, or at a hearing on the motion,



1 determine whether a witness shall be required to lay the
2 foundation for the admission of the report as evidence.
3 The right to call witnesses to rebut the report is reserved
4 to all parties.

5 (c) If more than one individual other than the individual
6 who gave birth is identified by genetic testing as a possible
7 genetic parent of the child, the court shall order each
8 individual to submit to further genetic testing to identify a
9 genetic parent.

10 § -76 Genetic testing when specimen not available. (a)
11 Subject to subsection (b), if a genetic-testing specimen is not
12 available from an alleged genetic parent of a child, an
13 individual seeking genetic testing demonstrates good cause, and
14 the court finds that the circumstances are just, the court may
15 order any of the following individuals to submit specimens for
16 genetic testing:

- 17 (1) A parent of the alleged genetic parent;
18 (2) A sibling of the alleged genetic parent;
19 (3) Another child of the alleged genetic parent and the
20 individual who gave birth to the other child; and



1 (4) Another relative of the alleged genetic parent
2 necessary to complete genetic testing.

3 (b) To issue an order under this section, the court shall
4 find that a need for genetic testing outweighs the legitimate
5 interests of the individual sought to be tested.

6 § -77 Deceased individual. If an individual seeking
7 genetic testing demonstrates good cause, the court may order
8 genetic testing of a deceased individual.

9 PART VIII. OTHER PROVISIONS

10 § -81 Uniformity of application and construction. This
11 chapter shall be applied and construed to effectuate its general
12 purpose to make uniform the law with respect to the subject of
13 this chapter among states enacting it."

14 SECTION 3. Section 26-14.6, Hawaii Revised Statutes, is
15 amended by amending subsection (f) to read as follows:

16 "(f) Effective July 1, 1990, the functions, authority, and
17 obligations, together with the limitations imposed thereon and
18 the privileges and immunities conferred thereby, exercised by a
19 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's
20 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
21 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,



1 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
2 353-11, 356D-54, 356D-94, 383-71, 445-37, 482E-4, 485A-202,
3 501-42, 501-171, 501-218, 521-78, 578-4, [~~584-6,~~] -23,
4 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11,
5 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2,
6 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14,
7 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to
8 the same extent by the department of public safety; and
9 effective January 1, 2024, those functions, authority, and
10 obligations shall be exercised to the same extent by the
11 department of law enforcement."

12 SECTION 4. Section 338-12, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§338-12 Evidentiary character of certificates.

15 Certificates filed within thirty days after the time prescribed
16 therefor shall be prima facie evidence of the facts therein
17 stated. Data pertaining to [~~the father~~] a parent of a child is
18 prima facie evidence if:

19 (1) The alleged [~~father~~] parent is:

20 (A) The [~~husband~~] spouse of the [~~mother,~~] other
21 parent; or



1 (B) The acknowledged [~~father~~] parent of the child; or
2 (2) The [~~father~~] parent and child relationship has been
3 established under chapter [~~584-~~] _____. Data pertaining
4 to the alleged [~~father~~] parent acknowledging
5 [~~paternity~~] parentage of the child is admissible as
6 evidence of [~~paternity~~] parentage in any family court
7 proceeding, including proceedings under chapter
8 [~~584-~~] _____."

9 SECTION 5. Section 338-15, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§338-15 Late or altered certificates.** A person born in
12 the State may file or amend a certificate after the time
13 prescribed, upon submitting proof as required by rules adopted
14 by the department of health. Certificates registered after the
15 time prescribed for filing by the rules of the department of
16 health shall be registered subject to any evidentiary
17 requirements that the department adopts by rule to substantiate
18 the alleged facts of birth. The department may amend a birth
19 certificate to change or establish the identity of a
20 registrant's parent only pursuant to a court order from a court
21 of appropriate jurisdiction or pursuant to a legal establishment



1 of parenthood pursuant to chapter [~~584-~~] _____. Amendments that
2 change or establish the identity of a registrant's parent that
3 are made in accordance with this section shall not be considered
4 corrections of personal records pursuant to chapter 92F."

5 SECTION 6. Section 338-21, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By amending subsection (a) to read:

8 "(a) All children born to parents not married to each
9 other, irrespective of the marriage of either natural parent to
10 another, (1) on the marriage of the natural parents with each
11 other, (2) on the voluntary, written acknowledgments of
12 [~~paternity~~] parentage under oath signed by the natural father
13 and the natural mother, or (3) on establishment of the parent
14 and child relationship under chapter [~~584-~~] ____, are entitled to
15 the same rights as those born to parents married to each other
16 and shall take the name so stipulated by their parents or, if
17 the parents do not agree on the name, shall take the name
18 specified by a court of competent jurisdiction to be the name
19 that is in the best interests of the child. The original
20 certificate of birth shall contain the name so stipulated. The
21 child or children or the parents thereof may petition the



1 department of health to issue a new original certificate of
2 birth, and not a duplicate of the original certificate that has
3 been amended, altered, or modified, in the new name of the
4 child, and the department shall issue the new original
5 certificate of birth. As used in this section, "name" includes
6 the first name, middle name, or last name."

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

8 "(d) Nothing in this section shall be construed to limit
9 the power of the courts to order the department to prepare new
10 certificates of birth under section [~~584-23-~~] -59.5."

11 SECTION 7. Section 532-6, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§532-6 To child born to parents not married to each
14 other. Every child born to parents not married to each other at
15 the time of the child's birth and for whom the parent and child
16 relationship has not been established pursuant to chapter
17 [584] ___ shall be considered as an heir to the child's mother,
18 and shall inherit her estate, in whole or in part, as the case
19 may be, in like manner as if the child had been born in lawful
20 wedlock."



1 SECTION 8. Section 560:2-114, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Except as provided in subsections (b) and (c), for
4 purposes of intestate succession by, through, or from a person,
5 an individual is the child of the child's natural parents,
6 regardless of their marital status. The parent and child
7 relationship may be established under chapter [~~584-~~] ____."

8 SECTION 9. Section 571-14, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Except as provided in sections 603-21.5 and 604-8,
11 the court shall have exclusive original jurisdiction:

12 (1) To try any offense committed against a child by the
13 child's parent or guardian or by any other person
14 having the child's legal or physical custody, and any
15 violation of section 707-726, 707-727, 709-902,
16 709-903, 709-903.5, 709-904, 709-905, 709-906, or
17 302A-1135, whether or not included in other provisions
18 of this paragraph or paragraph (2);

19 (2) To try any adult charged with:

20 (A) Deserting, abandoning, or failing to provide
21 support for any person in violation of law;



- 1 (B) An offense, other than a felony, against the
- 2 person of the defendant's husband or wife;
- 3 (C) Any violation of an order issued pursuant to
- 4 chapter 586; or
- 5 (D) Any violation of an order issued by a family
- 6 court judge.

7 In any case within paragraph (1) or (2), the court, in its
 8 discretion, may waive its jurisdiction over the offense
 9 charged;

10 (3) In all proceedings under chapter 580, and in all
 11 proceedings under chapter ~~584~~ ____;

12 (4) In proceedings under chapter 575, the Uniform
 13 Desertion and Nonsupport Act, and under chapter 576B,
 14 the Uniform Interstate Family Support Act;

15 (5) For commitment of an adult alleged to be mentally
 16 defective or mentally ill;

17 (6) In all proceedings for support between parent and
 18 child or between husband and wife;

19 (7) In all proceedings for pre-trial detention or waiver
 20 of jurisdiction over an adult who was a child at the



1 time of an alleged criminal act as provided in section
2 571-13 or 571-22;

3 (8) In all proceedings under chapter 586, Domestic Abuse
4 Protective Orders; and

5 (9) For the protection of vulnerable adults under
6 chapter 346, part X.

7 In any case within paragraph (3), (4), or (6), the attorney
8 general, through the child support enforcement agency, may
9 exercise concurrent jurisdiction as provided in
10 chapter 576E."

11 SECTION 10. Section 571-50, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§571-50 **Modification of decree, rehearing.** Except as
14 otherwise provided by this chapter, any decree or order of the
15 court may be modified at any time.

16 At any time during supervision of a child the court may
17 issue notice or other appropriate process to the child if the
18 child is of sufficient age to understand the nature of the
19 process, to the parents, and to any other necessary parties to
20 appear at a hearing on a charge of violation of the terms of
21 supervision, for any change in or modification of the decree or



1 for discharge. The provisions of this chapter relating to
2 process, custody, and detention at other stages of the
3 proceeding shall be applicable.

4 A parent, guardian, custodian, or next friend of any child
5 whose status has been adjudicated by the court, or any adult
6 affected by a decree of the court, at any time may petition the
7 court for a rehearing on the ground that new evidence, which was
8 not known or not available through the exercise of due diligence
9 at the time of the original hearing and which might affect the
10 decree, has been discovered. Upon a satisfactory showing of
11 this evidence, the court shall order a new hearing and make any
12 disposition of the case that the facts and the best interests of
13 the child warrant.

14 A parent, guardian, or next friend of a child whose legal
15 custody has been transferred by the court to an institution,
16 facility, agency, or person may petition the court for
17 modification or revocation of the decree, on the ground that the
18 legal custodian has wrongfully denied application for the
19 release of the child or has failed to act upon it within a
20 reasonable time, or has acted in an arbitrary manner not
21 consistent with the welfare of the child or the public interest.



1 An institution, facility, agency, or person vested with legal
2 custody of a child may petition the court for a renewal,
3 modification, or revocation of the custody order on the ground
4 that the change is necessary for the welfare of the child or in
5 the public interest. The court may dismiss the petition if on
6 preliminary investigation it finds the petition without
7 substance. If the court is of the opinion that the decree
8 should be reviewed, it shall conduct a hearing on notice to all
9 parties concerned, and may enter an order continuing, modifying,
10 or terminating the decree.

11 Notwithstanding the foregoing provisions of this section
12 the court's authority with respect to the review, rehearing,
13 renewal, modification, or revocation of decrees, judgments, or
14 orders entered in the hereinbelow listed classes of proceedings
15 shall be limited by any specific limitations set forth in the
16 statutes governing these proceedings or in any other
17 specifically applicable statutes or rules. These proceedings
18 are as follows:

- 19 (1) Annulment, divorce, separation, and other proceedings
20 under chapter 580;
- 21 (2) Adoption proceedings under chapter 578;



- 1 (3) [Paternity] Parentage proceedings under
- 2 chapter [5847] ____;
- 3 (4) Termination of parental rights proceedings under this
- 4 chapter; and
- 5 (5) State hospital commitment proceedings under
- 6 chapter 334.

7 A decree, judgment, or order committing a child to the care
 8 of the director of human services shall be reviewable under this
 9 section at the instance of others other than duly authorized
 10 representatives of the department only after a lapse of thirty
 11 days following the date of the decree, judgment, or order, and
 12 thereafter only at intervals of not less than one year.

13 Notwithstanding this section, the court shall not conduct a
 14 rehearing of any petition, filed under section 571-11(1), which,
 15 following a hearing, has been denied or dismissed."

16 SECTION 11. Section 571-52.6, Hawaii Revised Statutes, is
 17 amended to read as follows:

18 "§571-52.6 Child support order, judgment, or decree;
 19 accident and health or sickness insurance coverage. Each order,
 20 judgment, or decree under this chapter or chapter 576B, 580, or



1 [584] ___ ordering a person to pay child support shall include
2 the following provisions:

3 (1) Both the obligor and the obligee are required to file
4 with the state case registry, through the child
5 support enforcement agency, upon entry of the child
6 support order and to update as appropriate,
7 information on the identity and location of the party,
8 including social security number, residential and
9 mailing addresses, telephone number, driver's license
10 number if different from social security number, and
11 name, address, and telephone number of the party's
12 employer; and

13 (2) The liability of that person for accident and health
14 or sickness insurance coverage when available at
15 reasonable cost."

16 SECTION 12. Section 571-84, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) The court shall maintain records of all cases brought
19 before it. Except as provided in sections 571-84.6 and [584-
20 20.5,] -59, in proceedings under section 571-11 and in
21 [paternity] parentage proceedings under chapter [584,] , the



1 following records shall be withheld from public inspection: the
2 court docket, petitions, complaints, motions, and other papers
3 filed in any case; transcripts of testimony taken by the court;
4 and findings, judgments, orders, decrees, and other papers other
5 than social records filed in proceedings before the court. The
6 records other than social records shall be open to inspection:
7 by the parties and their attorneys, by an institution or agency
8 to which custody of a minor has been transferred, and by an
9 individual who has been appointed guardian; with consent of the
10 judge, by persons having a legitimate interest in the
11 proceedings from the standpoint of the welfare of the minor;
12 and, pursuant to order of the court or the rules of court, by
13 persons conducting pertinent research studies, and by persons,
14 institutions, and agencies having a legitimate interest in the
15 protection, welfare, treatment, or disposition of the minor."

16 SECTION 13. Section 571-84.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§571-84.5 Support order, decree, judgment, or
19 acknowledgment; social security number. The social security
20 number of any individual who is a party to a divorce decree, or
21 subject to a support order or [paternity] parentage



1 determination, or has made an acknowledgment of [paternity]
2 parentage issued under this chapter or chapter 576B, 580, or
3 [584] ___ shall be placed in the records relating to the
4 matter."

5 SECTION 14. Section 571-87, Hawaii Revised Statutes, is
6 amended by amending subsection (c) to read as follows:

7 "(c) The maximum allowable fee shall not exceed the
8 following schedule:

9 (1) Cases arising under chapters [†]587A[†] and 346,
10 part X:

11 (A) Predisposition \$3,000;

12 (B) Postdisposition review hearing \$1,000;

13 (2) Cases arising under chapters 560, 571, 580, and
14 [584] ___ \$3,000.

15 Payments in excess of any maximum provided for under
16 paragraphs (1) and (2) may be made whenever the court in which
17 the representation was rendered certifies, based upon
18 representations of extraordinary circumstances, attested to by
19 the applicant, that the amount of the excess payment is
20 necessary to provide fair compensation in light of those



1 circumstances, and the payment is approved by the administrative
2 judge of that court."

3 SECTION 15. Section 571-92, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§571-92 **Application.** This part shall only apply to
6 actions under chapters 580 and [~~584.~~] _____. Nothing in this part
7 shall supersede any provision of any existing state or federal
8 law. The provisions in this part shall be interpreted
9 consistently with other relevant laws and the standard of "best
10 interest of the child" shall remain paramount."

11 SECTION 16. Section 574-3, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§574-3 **Children born to parents not married to each**
14 **other.** The registrar of births shall register any child born to
15 parents not married to each other at the time of the child's
16 birth and where either the natural parents have not married each
17 other or where the parent and child relationship has not been
18 established pursuant to chapter [~~584.~~] ____, as having both a
19 family name and given name chosen by the mother."

20 SECTION 17. Section 576B-401, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 "(b) The tribunal may issue a temporary child support
2 order if the tribunal determines that the order is appropriate
3 and the individual ordered to pay is:

- 4 (1) A presumed [~~father~~] parent of the child;
- 5 (2) Petitioning to have [~~paternity~~] parentage adjudicated;
- 6 (3) Identified as the [~~father~~] parent of the child through
7 genetic testing;
- 8 (4) An alleged [~~father~~] parent who has declined to submit
9 to genetic testing;
- 10 (5) Shown by clear and convincing evidence to be the
11 [~~father~~] parent of the child;
- 12 (6) An acknowledged [~~father~~] parent as provided by section
13 [~~584-3.57~~] -43;
- 14 (7) The [~~mother of~~] individual who gave birth to the
15 child; or
- 16 (8) An individual who has been ordered to pay child
17 support in a previous proceeding and the order has not
18 been reversed or vacated."

19 SECTION 18. Section 576B-402, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:



1 "(b) In a proceeding to determine parentage, a responding
2 tribunal of this State shall apply chapter [584] ___ and the
3 rules of this State on choice of law."

4 SECTION 19. Section 576E-2, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§576E-2 Attorney general; powers.** Notwithstanding any
7 other law to the contrary, the attorney general, through the
8 child support enforcement agency and the office, shall have
9 concurrent jurisdiction with the court in all proceedings in
10 which a support obligation is established, modified, or
11 enforced, including but not limited to proceedings under
12 chapters 571, 580, [584,] ___, and 576B. The attorney general,
13 through the child support enforcement agency and the office, may
14 establish, modify, suspend, terminate, and enforce child support
15 obligations and collect or enforce spousal support using the
16 administrative process provided in this chapter on all cases for
17 which the department has a responsibility under Title IV-D of
18 the Social Security Act, including but not limited to welfare
19 and nonwelfare cases in which the responsible parent is subject
20 to the department's jurisdiction, regardless of the residence of



1 the children for whom support is sought. These powers shall
2 include but not be limited to the power to:

3 (1) Conduct investigations into the ability of parties to
4 pay support and into nonpayment of support;

5 (2) Administer oaths, issue subpoenas, and require
6 production of books, accounts, documents, and
7 evidence;

8 (3) Establish, modify, suspend, terminate, or enforce a
9 child support order and to collect or enforce a
10 spousal support order in conjunction with a child
11 support order;

12 (4) Determine that a party has not complied with a court
13 or administrative order of support and make
14 recommendations to the court or other agency with
15 respect to contempt or other appropriate proceedings;

16 (5) Establish arrearage;

17 (6) Establish an order for child support for periods which
18 public assistance was provided to the child or
19 children by the department of human services;

20 (7) Order and enforce assignment of future income under
21 section 576E-16, chapter 571, and section 576D-14;



- 1 (8) Exercise the powers and authority described in this
2 section, notwithstanding the existence of a prior
3 court or administrative order of support issued by
4 another state or foreign jurisdiction, except as
5 modified or limited by this chapter;
- 6 (9) Determine that an obligor owes past-due support with
7 respect to a child receiving assistance under a state
8 program funded under Title IV-A of the Social Security
9 Act, including Aid to Families with Dependent Children
10 and Temporary Assistance to Needy Families and
11 petition the court to issue an order that requires the
12 obligor to pay such support in accordance with a plan
13 approved by the court or, if the obligor is subject to
14 such a plan and is not incapacitated, participate in
15 work activities, as defined in 42 U.S.C. §607(d), as
16 the court deems appropriate;
- 17 (10) Order genetic testing pursuant to chapter
18 [584] ___ for the purpose of establishing [~~paternity,~~
19 parentage with payment of costs to be made by the
20 agency, subject to recoupment by the State from [~~the~~
21 ~~father or the mother,~~] a parent if appropriate, if



1 [~~paternity~~] parentage is established, and to also
 2 order additional testing in any case if an original
 3 test result is contested, upon request and advance
 4 payment by the contestant;

5 (11) Exercise the powers and authority described in this
 6 section, notwithstanding the existence of a prior
 7 court or administrative order of support issued by
 8 another state or foreign jurisdiction, except as
 9 modified or limited by this chapter and chapter 576B;
 10 and

11 (12) Delegate the powers and authority described in this
 12 section to hearings officers and employees of the
 13 agency."

14 SECTION 20. Section 580-47, Hawaii Revised Statutes, is
 15 amended by amending subsection (a) to read as follows:

16 "(a) Upon granting a divorce, or thereafter if, in
 17 addition to the powers granted in subsections (c) and (d),
 18 jurisdiction of those matters is reserved under the decree by
 19 agreement of both parties or by order of court after finding
 20 that good cause exists, the court may make any further orders as
 21 shall appear just and equitable (1) compelling the parties or



1 either of them to provide for the support, maintenance, and
2 education of the children of the parties; (2) compelling either
3 party to provide for the support and maintenance of the other
4 party; (3) finally dividing and distributing the estate of the
5 parties, real, personal, or mixed, whether community, joint, or
6 separate; and (4) allocating, as between the parties, the
7 responsibility for the payment of the debts of the parties
8 whether community, joint, or separate, and the attorney's fees,
9 costs, and expenses incurred by each party by reason of the
10 divorce. In making these further orders, the court shall take
11 into consideration: the respective merits of the parties, the
12 relative abilities of the parties, the condition in which each
13 party will be left by the divorce, the burdens imposed upon
14 either party for the benefit of the children of the parties, the
15 concealment of or failure to disclose income or an asset, or
16 violation of a restraining order issued under section 580-10(a)
17 or (b), if any, by either party, and all other circumstances of
18 the case. In establishing the amounts of child support, the
19 court shall use the guidelines established under section 576D-7.
20 Provision may be made for the support, maintenance, and
21 education of an adult or minor child and for the support,



1 maintenance, and education of an incompetent adult child whether
2 or not the petition is made before or after the child has
3 attained the age of majority. In those cases where child
4 support payments are to continue due to the adult child's
5 pursuance of education, the agency, at least three months prior
6 to the adult child's nineteenth birthday, shall send notice by
7 regular mail to the adult child and the custodial parent that
8 prospective child support will be suspended unless proof is
9 provided by the custodial parent or adult child to the child
10 support enforcement agency, prior to the child's nineteenth
11 birthday, that the child is presently enrolled as a full-time
12 student in school or has been accepted into and plans to attend
13 as a full-time student for the next semester a post-high school
14 university, college, or vocational school. If the custodial
15 parent or adult child fails to do so, prospective child support
16 payments may be automatically suspended by the child support
17 enforcement agency, hearings officer, or court upon the child
18 reaching the age of nineteen years. In addition, if applicable,
19 the agency, hearings officer, or court may issue an order
20 terminating existing assignments against the responsible
21 parent's income and income assignment orders.



1 In addition to any other relevant factors considered, the
2 court, in ordering spousal support and maintenance, shall
3 consider the following factors:

- 4 (1) Financial resources of the parties;
- 5 (2) Ability of the party seeking support and maintenance
6 to meet his or her needs independently;
- 7 (3) Duration of the marriage;
- 8 (4) Standard of living established during the marriage;
- 9 (5) Age of the parties;
- 10 (6) Physical and emotional condition of the parties;
- 11 (7) Usual occupation of the parties during the marriage;
- 12 (8) Vocational skills and employability of the party
13 seeking support and maintenance;
- 14 (9) Needs of the parties;
- 15 (10) Custodial and child support responsibilities;
- 16 (11) Ability of the party from whom support and maintenance
17 is sought to meet his or her own needs while meeting
18 the needs of the party seeking support and
19 maintenance;
- 20 (12) Other factors which measure the financial condition in
21 which the parties will be left as the result of the



1 action under which the determination of maintenance is
2 made; and

3 (13) Probable duration of the need of the party seeking
4 support and maintenance.

5 The court may order support and maintenance to a party for
6 an indefinite period or until further order of the court;
7 provided that in the event the court determines that support and
8 maintenance shall be ordered for a specific duration wholly or
9 partly based on competent evidence as to the amount of time
10 which will be required for the party seeking support and
11 maintenance to secure adequate training, education, skills, or
12 other qualifications necessary to qualify for appropriate
13 employment, whether intended to qualify the party for a new
14 occupation, update or expand existing qualification, or
15 otherwise enable or enhance the employability of the party, the
16 court shall order support and maintenance for a period
17 sufficient to allow completion of the training, education,
18 skills, or other activity, and shall allow, in addition,
19 sufficient time for the party to secure appropriate employment."

20 SECTION 21. Section 607-5, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:



1 " (b) PART I

2 Action or proceeding, general:

3 (1) Civil action or special proceeding, unless
4 another item in part I applies \$200

5 (1a) Petition for conversion of nonjudicial
6 foreclosure to judicial foreclosure \$250

7 (2) Appeal to a circuit court \$100

8 (3) Transfer of action to circuit court from district
9 court, in addition to district court fees \$125

10 Trusts:

11 (4) Proceeding for (A) appointment of trustee; (B)
12 appointment of successor; (C) resignation of
13 trustee; (D) instructions; (E) approval of
14 investment; (F) approval of sale, mortgage,
15 lease, or other disposition of property; (G)
16 approval of compromise of claim, for each such
17 matter \$100

18 (5) Proceeding for (A) removal of trustee; (B) order
19 requiring accounting; (C) invalidation of action
20 taken by trustee; (D) termination of trust, for
21 each such matter \$100



1 (6) Accounting, this fee to be paid for each account
2 filed and to include the settlement of the
3 account\$10

4 (7) Vesting orderno charge under part I

5 (8) Allowance of fees of trustees, attorneys, or
6 other fees for services incurred in a
7 proceeding for which a fee has been paid
8 under this sectionno charge under part I

9 (8a) Registration of a trust, or release of
10 registration, under chapter 560\$3

11 (9) Any other proceeding relating to a trust\$15

12 Conservatorship:

13 (10) Proceeding for (A) appointment; (B) appointment
14 of successor; (C) resignation; (D) instructions,
15 unless included in one of the foregoing
16 proceedings; (E), (F), (G) approval of any matter
17 listed in (E), (F), or (G) of item (4) in
18 relation to a trust, for each such matter\$100

19 (11) Proceeding of the nature listed in (A), (B), (C),
20 or (D) of item (5) in relation to a trust, for
21 each such matter\$15



1 (12) Accounting, same as provided by item (6) in
2 relation to a trust\$10

3 (13) Any other proceeding relating to a
4 conservatorshipno charge under part I

5 Guardianship:

6 (13a) Guardianship, including all matters of the nature
7 listed in items (4) to (9), whether in family or
8 circuit court\$100

9 Probate (decedents' estates). These fees include all matters of
10 the nature listed in items (4) to (9), without additional
11 charge:

12 (14) Probate, administration, domiciliary foreign
13 personal representative, or ancillary
14 administration, this fee to be paid once only for
15 each decedent's estate\$100

16 Family court cases:

17 (15) Matrimonial action (annulment, divorce,
18 separation, or separate maintenance)\$100

19 (16) Adoption\$100

20 (17) Guardianship, including all matters of the nature
21 listed in items (4) to (9)As provided in item 13a



- 1 (18) Termination of parental rights, except
- 2 determinations of [~~father and child relationship~~]
- 3 parent-child relationship pursuant to section
- 4 [~~584-6~~] -23 no charge under part I
- 5 (19) Determinations of [~~father and child relationship~~]
- 6 parent-child relationship pursuant to section
- 7 [~~584-6~~] -23 \$100
- 8 (20) Any other family court proceeding, except motions
- 9 or other pleadings in matrimonial, adoption,
- 10 determinations of [~~father and child relationship~~]
- 11 parent-child relationship pursuant to section
- 12 [~~584-6,7~~] -23, and guardianship actions, but
- 13 including without limitation custody proceedings
- 14 even if in the form of an habeas corpus
- 15 proceeding \$15"

16 SECTION 22. Section 607-5.6, Hawaii Revised Statutes, is

17 amended by amending subsection (a) to read as follows:

18 "(a) In addition to the fees prescribed under section

19 607-5 for a matrimonial action where either party has a minor

20 child, or a family court proceeding under chapter [~~584,7~~] ,

21 the court shall collect a surcharge of \$50 at the time of filing



1 the initial complaint or petition. In cases where the surcharge
2 has been initially waived, the court may collect the surcharge
3 subsequent to the filing with such surcharge to be assessed from
4 either party or apportioned between both parties."

5 SECTION 23. Section 634-37, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§634-37 Presumption of notice and service of process in**
8 **child support cases.** Whenever notice and service of process is
9 required for child support enforcement proceedings subsequent to
10 an order issued pursuant to chapter 571, 576B, 576E, 580, or
11 [~~584~~] ____, upon a showing that diligent effort has been made to
12 ascertain the location of a party, notice and service of process
13 shall be presumed to be satisfied upon delivery of written
14 notice to the most recent residential or employer address on
15 file with the state case registry pursuant to section 571-52.6."

16 SECTION 24. Chapter 584, Hawaii Revised Statutes, is
17 repealed.

18 SECTION 25. This Act does not affect rights and duties
19 that matured, penalties that were incurred, and proceedings that
20 were begun before its effective date.



1 SECTION 26. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 27. This Act shall take effect on January 1, 2024.
4

INTRODUCED BY: 

By Request

JAN 19 2023



H.B. NO. 384

Report Title:

Judiciary Package; Uniform Parentage Act

Description:

Enacts portions of the Uniform Parentage Act of 2017 to replace the Uniform Parentage Act of 1973. Takes effect 1/1/2024.

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

