



The Judiciary, State of Hawai‘i

Testimony to the Thirty-Third Legislature, 2025 Regular Session

Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Tuesday, February 11, 2025 at 9:30a.m.

State Capitol, Conference Room 016

by

Dyan M. Medeiros

Senior Judge, Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 1231, Relating to Parentage.

Purpose: Repeals the Uniform Parentage Act of 1973 and updates laws relating to parentage, including enacting portions of the Uniform Parentage Act of 2017.

Judiciary's Position:

The Judiciary strongly supports Senate Bill No. 1231 that repeals the existing Uniform Parentage Act (UPA) and replaces it with the work product of the Act 156 Task Force. This bill will ensure the equal treatment of all keiki from both heterosexual and same-sex couples. It also includes surrogacy provisions to reflect the scientific developments in that area; and addresses the rights of children born through assisted reproductive technology. It also includes provisions to expedite the establishment of parentage both in and out of court which will benefit all families.

In 1975, Hawai‘i adopted the 1973 version of the draft UPA. In 2002, a draft UPA was created by the Uniform Laws Committee, but Hawai‘i did not adopt the 2002 version. Hawai‘i has made some amendments over the years to HRS Chapter 584, including the addition of an “expedited process of paternity” in 1996. In general, however, the statute has not kept up with the changes in the make-up of our families.



Senate Bill No. 1231, Relating to Parentage
Senate Committee on Judiciary
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In 2021, Act 201 created a task force to examine this state's current parentage laws that narrowly confine concepts of family, parenthood, and parental rights to heterosexual unions. The task force was given the responsibility of recommending statutory changes to encompass the general culture's growing understanding of the diverse nature of these concepts. The task force was made up of the Department of Health, the Department of the Attorney General, Child Support Enforcement Agency, a Family Court judge, a family law attorney, representative of AF3IRM Hawaii, a representative of the Department of Health's sexual and gender minority working group, a representative of Ka Aha Mahu, and any other member as recommended by the task force. The task force commenced its work on August 27, 2021. The pandemic, time constraints, and unforeseen circumstances prevented the task force from completing its task of preparing a full agreement on draft legislation.

In 2023, Act 156 re-created the task force. The Act 156 task force was made up of the Department of the Attorney General, the Department of Health, Hawai'i State Commission on the Status of Women, Hawai'i State commission on Fatherhood, Family Court judge, family law attorney, medical professional in birthing center procedure, mental health professional with post-adoption experience, a person with knowledge of adoption related health and medical issues, and a person with knowledge of surrogacy. The Act 156 task force commenced its work in August 2023 and submitted its final report to the Legislature on or about December 9, 2024.

There have been many changes to science, society and the law that make many of the provisions in HRS Chapter 584 obsolete or completely lacking. The passage of Senate Bill No. 1231 has the potential of benefiting many members of our community and the Judiciary supports this measure.

Thank you for the opportunity to submit testimony on this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:
S.B. NO. 1231, RELATING TO PARENTAGE.

BEFORE THE:
SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 11, 2025 **TIME:** 9:30 am

LOCATION: State Capitol, Room 016

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Lauren K. Chun, Deputy Solicitor General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) strongly supports this bill and offers the following comments and suggested amendments.

Background of the Uniform Parentage Act and Act 156 of 2023

Act 156, Session Laws of Hawaii 2023 required the Department to convene a task force (Act 156 Task Force) to recommend amendments to Hawaii's existing parentage laws. The Act 156 Task Force's draft bill was provided to the Legislature in December 2024 and largely incorporates portions of the 2017 version of the Uniform Law Commission's (ULC) Uniform Parentage Act (UPA). The final report of the Act 156 Task Force is available at

https://www.capitol.hawaii.gov/sessions/session2025/bills/DC84_.pdf. This bill is identical to the draft bill produced by the Act 156 Task Force, except for some non-substantive edits.

Suggested Amendments

Revisions to HRS Chapter 560

For clarity and consistency, we recommend revising the bill to include corresponding amendments to the Hawai'i Uniform Probate Code, specifically the definition of "child of assisted reproduction" in section 560:2-121, and sections 560:2-126 and 560:2-127, HRS, as follows:

On page 103, line 13, insert the following new sections:

SECTION 8. Section 560:2-121, Hawaii Revised Statutes, is amended by amending the definition of "child of assisted reproduction" to read as follows:

""Child of assisted reproduction" means a child conceived by means of assisted reproduction by an individual other than a gestational ~~carrier~~ surrogate under section 560:2-127."

SECTION 9. Section 560:2-126, Hawaii Revised Statutes, is amended to read as follows:

"~~[§560:2-126] Child~~ Individual conceived by assisted reproduction ~~[other than a child]~~ but not born to gestational ~~[carrier.]~~ or genetic surrogate. [(a) In this section:

~~"Birth mother" means an individual, other than a gestational carrier under section 560:2-127, who gives birth to a child of assisted reproduction. "Birth mother" is not limited to an individual who is the child's genetic mother.~~

* * *

~~(1) In utero no later than thirty-six months after the individual's death; or~~

~~(2) Born no later than forty-five months after the individual's death.]~~

Except as otherwise provided under section 560:2-127, parentage of an individual conceived by assisted reproduction shall be determined under part VIII of chapter , other than section -808(b)(2)."

SECTION 10. Section 560:2-127, Hawaii Revised Statutes, is amended to read as follows:

"~~[§560:2-127] Child~~ Individual born to gestational ~~[carrier.]~~ or genetic surrogate. [(a) In this section:

~~"Gestational agreement" means an enforceable or unenforceable agreement for assisted reproduction in which an individual agrees to carry~~

~~a child to birth for an intended parent, intended parents, or an individual described in subsection (e).~~

* * *

~~(i) This section shall not affect other laws of this State governing the enforceability or validity of a gestational agreement.]~~

Parentage of an individual conceived by assisted reproduction and born to a gestational or genetic surrogate shall be determined under part IX of chapter , other than sections -909(b)(2) and -916(b)(2)."

Subsequent sections of the bill should be renumbered accordingly.

Amendments Suggested by the Child Support Enforcement Agency

The Child Support Enforcement Agency (CSEA) notes that currently, section 584-9, HRS, requires that CSEA be made a party to the action if public assistance moneys are or have been paid for the support of the subject child. This language is missing from this bill. To ensure compliance with federal regulations, CSEA recommends that the bill be amended by adding a new section to section 2, part II, page 17 after line 12 as follows:

§ -204. The child may be made a party to the action and may be represented by the child's general guardian or a guardian ad litem appointed by the court. The child's parent shall not represent the child as guardian or otherwise. Subject to section -203, each individual presumed to be a parent under section -303 and the child support enforcement agency, if public assistance moneys are or have been paid for the support of the subject child, shall be made parties, or, if not subject to the jurisdiction of the court, shall be given notice of the action in a manner prescribed by the court and an opportunity to be heard.

CSEA also recommends that page 24, line 19, to page 25, line 3, be amended as follows:

. . . Birthing facility staff, midwives, child support enforcement agency staff, and department of health staff shall not be subject to civil, criminal, or administrative liability for a negligent act or omission relative to the

accuracy of the information provided or for filing the declaration with the appropriate state or local agencies. . . .

Typographic errors

- On page 12, line 5, the number "16" should be deleted before "process, warrant, bond."
- On page 41, line 17, the number "15" should be deleted before "department of health."
- On page 98 line 10; the number "22" should be deleted before "medical history."

The Department respectfully requests that this Committee pass this bill with the aforementioned amendments. Thank you for the opportunity to testify.



Advocating for the Hawai'i LGBTQIA+ Community

February 8, 2025

Senate Committee on Judiciary
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Tuesday, February 11, 2025

RE: Strong Support for Senate Bill 1231

Aloha Chair Rhoads, Vice Chair Gabbard, and committee members,

I am writing in strong support of Senate Bill 1231 on behalf of the Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer Plus. (LGBTQ+) Commission, which was established by the 2022 Hawai'i State Legislature with the following purpose:

“...to improve the State's interface with members of the lesbian, gay, bisexual, transgender, queer, plus community; identify the short- and long-range needs of its members; and ensure that there is an effective means of researching, planning, and advocating for the equity of this population in all aspects of state government.”

The Hawai'i State LGBTQ+ Commission strongly supports Senate Bill 1231, which repeals the outdated Uniform Parentage Act of 1973 and modernizes Hawai'i's parentage laws by incorporating vital provisions from the Uniform Parentage Act of 2017. This bill represents a critical step forward in ensuring equal recognition and protection for all families in Hawai'i, particularly for LGBTQIA+ individuals and couples who rely on assisted reproductive technology, including surrogacy, to build their families.

Hawai'i has long stood as a beacon of diversity and inclusion, and our legal framework must reflect these values by ensuring that all parents—regardless of gender, sexual orientation, or the method by which they conceive their children—have equal rights and protections under the law. The current parentage laws are outdated and fail to account for the realities of modern family-building, particularly for LGBTQIA+ families who face unique legal challenges when establishing their parental rights.

SB 1231 makes necessary and long-overdue updates, including:

- Recognizing the legal parentage of non-biological parents in LGBTQIA+ families without requiring costly, invasive, and unnecessary legal proceedings.
- Providing clear and consistent standards for parentage determinations, reducing uncertainty and legal barriers for LGBTQIA+ individuals and couples.
- Ensuring that individuals and couples utilizing surrogacy arrangements have legal protections, including the ability to secure parentage before the birth of their child, preventing harmful legal battles over parental rights.

HI State LGBTQ+ Commission Testimony in Strong Support of SB 1231

- Affirming that all children, regardless of the circumstances of their conception, are entitled to the same legal rights, protections, and security of parentage.

LGBTQIA+ individuals and couples who use surrogacy to grow their families face significant legal hurdles in establishing parentage under existing laws. Many are forced to complete costly and time-consuming adoptions to secure legal recognition as parents—even when they are intended and loving parents from the moment of conception. SB 1231 will help eliminate these barriers and provide equal dignity and security to all families.

The passage of SB 1231 will bring Hawai'i in line with best practices nationwide and reinforce our state's commitment to equality, inclusion, and family justice. We urge this committee to advance this essential legislation and stand with the LGBTQIA+ community in affirming that all families—regardless of their structure—deserve legal recognition, security, and respect.

We respectfully urge you to pass SB 1231 without delay.

Should you or any member of your staff have any questions regarding this testimony you can reach the Hawai'i State LGBTQ+ Commission at hawaiiistatelgbtqpluscommission@gmail.com.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr. (he/him)

Vice Chair

[Hawai'i State LGBTQ+ Commission](#)



**Statement of Libby Snyder, Special Counsel to the Uniform Law Commission,
to the Senate Committee on Judiciary
in Support of Senate Bill 1231 – Relating to Parentage**

Public Hearing of February 11, 2025

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

Thank you for this opportunity to submit these comments on behalf of the Uniform Law Commission in support of Senate Bill No. 1231 which enacts the Uniform Parentage Act (2017).

The Uniform Parentage Act, first promulgated in 1973, was updated by the ULC in 2002 to add provisions permitting a non-judicial acknowledgment of paternity procedure that is the equivalent of an adjudication of parentage in a court. The Uniform Parentage Act was updated again in 2017 to account for advancements in technology related to genetic testing and assisted reproduction and constitutional developments regarding marriage. Overall, the Uniform Parentage Act at large has been quite influential – laws in roughly half the states are based on variations of the Uniform Parentage Act. Hawaii adopted the Uniform Parentage Act (1973) in 1975.¹

I urge adoption of Senate Bill 1231 for the following reasons:

1. Adoption of this bill will provide Hawaii with **clear and comprehensive statutory provisions regarding assisted reproduction and surrogacy**. Over the last several decades, medical science has developed a wide array of assisted reproductive technology. Currently, Hawaii statutory law does not provide clear rules to determine parentage in a variety of situations that are common when using assisted reproductive technology. In addition, Hawaii has no statutes specifically permitting surrogacy agreements. Senate Bill 1231 provides comprehensive statutory guidance that reflects the developments that have occurred in assisted reproduction and surrogacy practice over the last twenty years.
2. This bill **provides clarity for and reduces unnecessary litigation regarding children born to same-sex couples**. Senate Bill 1231 uses gender-neutral terminology and provides needed clarity for children born to same-sex couples and their families.
3. This bill **cures potential constitutional infirmity in existing state law**. In *Obergefell*, the United States Supreme Court held that laws barring marriage between two people of the same sex are unconstitutional. After *Obergefell*, some state parentage laws that treat same-sex couples differently than different-sex

¹ Hawaii Revised Statutes §§ 584-1 to 584-26.

couples may be unconstitutional. By enacting Senate Bill 1231, Hawaii can make sure that state law does not run afoul of important constitutional protections.

4. This bill also **clarifies and codifies state law related to functional parentage**. Most states extend at least some parental rights to people who, while not legal parents, function as parents with the consent of the child's legal parent.² Some states recognize such people under a variety of equitable doctrines. Other states extend rights to such people through broad third-party custody and visitation statutes. Senate Bill 1231 includes language that would codify state law related to functional parentage. This approach is consistent with the current trend and is consistent with a core purpose of the UPA (2017), which is to protect established parent child relationships. At the same time, however, Senate Bill 1231 erects safeguards to ensure that these provisions do not result in unwarranted or unjustified litigation.
5. This bill is **consistent with the recommendations of the Department of the Attorney General's Task Force to Recommend Amendments to Existing Parentage Laws, as required by Act 156, Session Laws of Hawaii 2023**. The task force was asked to recommend amendments to update existing parentage laws and report its findings to the legislature. Ultimately, the task force recommended replacing Hawaii's current Uniform Parentage Act of 1973 with a new chapter incorporating portions of the Uniform Parentage Act (2017). Senate Bill 1231 is consistent with the task force's work and would modernize parentage law in Hawaii.

This bill ensures that Hawaii parentage law recognizes, respects, and protects the diverse families that enrich this state. Thank you for allowing me to testify in support of Senate Bill 1231.

Respectfully submitted,

Libby Snyder
Special Counsel, Uniform Law Commission

² Courtney G. Joslin & Douglas NeJaime, How Parenthood Functions, 123 Columbia Law Review 319 (2023), https://www.columbialawreview.org/wp-content/uploads/2023/03/Joslin-NeJaime-How_parenthood_functions.pdf.

SB-1231

Submitted on: 2/10/2025 7:35:25 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kent	Testifying for Commission to Promote Uniform Laws	Support	Remotely Via Zoom

Comments:

Aloha,

Thank you for this opportunity to submit these comments in strong **support** of SB No. 1231, which enacts the Uniform Parentage Act (UPA).

I urge adoption for the following reasons:

- This bill is consistent with the recommendations of the Department of the Attorney General's Task Force to Recommend Amendments to Existing Parentage Laws and would modernize parentage law in Hawaii.
- Adoption of this act will provide Hawaii with clear and comprehensive statutory provisions regarding assisted reproduction and surrogacy.
- This act clarifies and codifies state law related to functional parentage.
- Most states extend at least some parental rights to people who, while not legal parents, function as parents with the consent of the child's legal parent. This is consistent with the current trend. At the same time this bill erects safeguards to ensure that these provisions do not result in unwarranted or unjustified litigation.
- This act also provides clarity for and reduces unnecessary litigation regarding children born to same-sex couples
- This act cures potential constitutional infirmity in existing state law. After *Obergefell*, some state parentage laws that treat same-sex couples differently than different-sex couples may be unconstitutional. By enacting this bill, Hawaii can make sure that state law does not run afoul of important constitutional protections.

We understand that Part X of the bill may be a point of some contention among various parties. If the Committee decides to keep Part X in the bill, we strongly prefer the version as revised by the ULC in December 2023 rather than the version currently in the bill. However, should there be a decision to remove Part X from the bill and leave the remainder of the provisions, the ULC will still consider this bill as "uniform."

In closing, thank you for the opportunity to testify in support of modernizing parentage law in Hawaii and providing comprehensive statutory guidance to individuals who wish to build their families by using assisted reproductive technology.

Elizabeth Kent



February 8, 2025

Senate's Committee on Judiciary
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Tuesday, February 11, 2025 at 9:30 AM

RE: **STRONG SUPPORT for Senate Bill 1231**

Aloha Chair Rhoads, Vice Chair Gabbard, and fellow committee members,

Pride at Work – Hawai'i is an official chapter of [Pride at Work](#) which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. We are an officially recognized constituency group of the AFL-CIO that organizes mutual support between the organized Labor Movement and the LGBTQIA+ Community to further social and economic justice.

Pride at Work - Hawai'i strongly supports Senate Bill 1231, which repeals the archaic Uniform Parentage Act of 1973 and modernizes Hawai'i's laws to reflect the diversity of families today. Updating our parentage laws is essential to ensuring that all families—especially LGBTQ+ parents and their children—are protected and recognized under state law.

For far too long, Hawai'i's parentage statutes have failed to provide equitable protections for LGBTQIA+ families. The current law, based on the 1973 Uniform Parentage Act, does not adequately address legal parentage for non-biological parents, leaving many LGBTQIA+ families vulnerable to legal uncertainty and discrimination. By enacting provisions from the 2017 Uniform Parentage Act, SB 1231 will ensure that parentage laws are inclusive of all families, regardless of gender identity, marital status, or biological connection.

This bill is critical for several reasons:

1. **Legal Recognition of All Parents** – SB 1231 ensures that children of LGBTQ+ parents have the same legal security as children of different-sex parents. This includes recognizing de facto parents, ensuring fair and consistent parental establishment, and protecting the rights of non-biological parents.
2. **Protection for Children** – Every child deserves legal ties to their parents, safeguarding their access to benefits, inheritance, and parental care. Modernizing our laws will provide stability and security for all children in Hawai'i.
3. **Fair and Inclusive Legal Standards** – Updating our parentage laws will ensure that courts apply consistent and fair standards for determining parentage, removing outdated and discriminatory barriers that disproportionately affect LGBTQ+ families.

SB 1231 is a necessary step toward justice and equality for all families in Hawai'i. We urge this committee to pass this bill and affirm the legal rights of all parents and children, regardless of how their families are formed.

Pride at Work – Hawai'i's Testimony is Strong Support of Senate Bill 1231

Thank you for the opportunity to testify in strong support of SB 1231. We appreciate your leadership in advancing fairness and equality in our state.

In solidarity,

Michael Golojuch, Jr. (he/him)

President

[Pride at Work – Hawai'i](#)

CTTA

February 9, 2025

Re: SB 1231

Dear Chair Rhoads, Vice-Chair Gabbard and Members of the Committee on Judiciary:

I am writing to respectfully request two small amendments to SB 1231, for the benefit of children created through surrogacy and donor conception *who will grow up to be adults* in need of their personal history and heritage:

Strike p. 97, line 10 after “the gametes” through line 17 “section -1004(b)(2)”

Strike p. 98, line 2 “nonidentifying”

Also, please consider creating a repository or requirement to preserve donor information in the likely event that a clinic or sperm bank one day ceases operations. This is a vital resource for current and future generations.

The amendment will align this bill with existing policy pertaining to adult adoptees. While there are some differences in how children arrive in families via donor conception and surrogacy vs. adoption, the importance of answering life’s three biggest questions as an adult in both populations is paramount:

1. Where did I come from?
2. Why am I here?
3. Where am I going?

Colorado, like Hawaii, provides unrestricted access to certain records for adult adoptees, and recently enacted SB 22-224 pertaining to donor-conceived person, now in effect as of January 1, 2025.

I respectfully urge the committee to demonstrate your state’s leadership in this area by recognizing the importance of lifelong truth and transparency in healthy family and identity building.

I hope to join Tuesday’s hearing online to be available to answer any questions. Thank you for considering this testimony.

Best Regards,

Richard Uhrlaub

Coalition for Truth and Transparency in Adoption

www.adoptiontruthandtransparency.org

303/232-6302

February 11, 2025

Hawaii Senate Committee on Judiciary
Conference Room 016
State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: Testimony in Opposition to SB1231 Unless Amended to Include Updated Article 9 of Uniform Parentage Act

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

On behalf of U.S. Donor Conceived Council (USDCC), a nonprofit that advocates for the well-being of donor conceived people, we strongly **oppose** the current version of Senate Bill 1231 **unless it is amended**.

USDCC is an ardent supporter of the 2024 Uniform Parentage Act (UPA). We believe that Hawaii should enact comprehensive parentage protections in line with the 2024 UPA, safeguarding the rights and interests of donor conceived children throughout their lives.

SB1231 includes necessary protections for families formed through assisted reproduction. We commend the bill's efforts to modernize parentage laws and ensure legal security for families formed through assisted reproduction. By updating Hawaii's statutes, SB1231 provides necessary protections for intended parents, surrogates, and children born through assisted reproductive technologies. These provisions help to eliminate legal uncertainty for families, particularly LGBTQ+ parents and single parents by choice.

However, while we support efforts to modernize Hawaii's parentage laws, we strongly **oppose** the current version of Senate Bill 1231 **unless it is amended**. As written, the **bill codifies anonymous gamete donation** into Hawaii law by selectively adopting an **outdated** version of Article 9 of the UPA. In contrast, the updated Article 9—approved by the Uniform Law Commission—would require gamete donors to agree, before donation, to be identifiable to an adult donor conceived person upon request. Anonymous gamete donation in Hawaii has broad impacts beyond the State, as gametes collected in Hawaii are frequently shipped nationally and internationally (such as practices done by Donor Egg Bank USA).

Hawaii should not adopt an outdated version of Article 9 that denies donor conceived individuals the right to access their own genetic information. **Instead, SB1231 should be amended in one of two ways:**

1. **Adopt the updated 2024 version of Article 9**, which includes modernized protections for donor conceived individuals, ensuring they have the right to access information about their genetic origins upon adulthood.
2. **Entirely remove Part 10 from SB1231** if the updated 2024 Article 9 cannot be adopted.

Donor conceived children need protection to ensure they remain with their families. They deserve modern parentage laws that secures legal parentage for donor conceived children and protects their relationships with non-genetic parents. They should not, however, have to sacrifice access to information about their genetic origins in order to obtain these protections. That is what SB 1231 is asking of them. Amending SB1231 to the updated Article 9 ensures both donor conceived children have the protections they need to thrive throughout their life.

Additionally, research and global policy trends increasingly recognize that **anonymous gamete donation is outdated and harmful**. Requiring identity disclosure ensures that a donor conceived person aged 18 years or older can access this information about their genetic origins/birth heritage if desired. Ending anonymity and providing access to identifying information “gives donor-conceived offspring the same rights as other children to know the identity of their legal and genetic parents, a move that is also occurring for adoptees (Cahn, 2018).” Without access to identifying information, donor conceived individuals are deprived of knowledge that can be valuable to identity formation, medical history, and genetic heritage. **SB1231, as drafted, would codify practices harmful to donor conceived individuals.**

Conclusion: Amend SB1231 to Include Updated Article 9 or to Strike Section 10 (Outdated Article 9)

Hawaii has an opportunity to adopt parentage laws that protect families while ensuring the rights and well-being of donor conceived people. However, without these necessary amendments, SB1231 will fail to provide the protections donor conceived individuals need and deserve.

We urge you to **vote NO** on SB1231 **unless it is amended** to include the **updated Article 9 of the UPA** or to **strike Section 10 of the bill entirely (outdated Article 9)**.

Thank you for your time and consideration.

Sincerely,

Kaitlyn Boller
Vice President of Legislative Affairs
U.S. Donor Conceived Council



LAMBDA LAW HAWAI'I
WILLIAM S. RICHARDSON SCHOOL OF LAW

TESTIMONY IN SUPPORT OF [SB1231](#)

Senate Committee on Judiciary
February 9, 2025

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

Lambda Law Hawai'i, a Law Student Association at the William S. Richardson School of Law, **strongly supports SB1231**.

Hawai'i's 'ohana are diverse and often include members who are not necessarily blood related. The state's existing parentage laws fail to provide adequate legal framework for those that do not fit the current, narrow legal definition of family, placing the burden on nontraditional 'ohana to pursue their own protections, including adopting their own children. This results in **emotional and mental distress**, and creates **undue financial burdens** just to protect their 'ohana. These burdens should be lifted.

The Hawai'i Supreme Court has recognized that "a biological connection is *not necessary* to establish a presumption of parentage."¹ **It is time to embrace and enshrine updated legal protections for all 'ohana**. Our laws should reflect Hawai'i's diversity and uphold Native Hawaiian concepts of 'ohana beyond blood relations.

SB1231 will:

- Protect *all* 'ohana, including LGBTQIA+/MVPFAFF family members;
- Protect 'ohana that utilize assisted reproduction technology and surrogacy;
- Recognize functional parents who provide emotional, financial and physical support for minors, but who currently lack legal parental rights; and
- Strengthen keiki welfare protections.

Please support SB1231. Mahalo nui for the opportunity to testify.

Lambda Law Hawai'i, a Law Student Association at the William S. Richardson School of Law
Mission: To advance equal rights for LGBTQIA+ individuals at WSRSL and beyond.

¹ *LC v. MG & Child Support Enft Agency*, 143 Hawai'i 302, 312, 430 P.3d 400, 410 (2018) (emphasis added).



March 17, 2023

Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Committee on Judiciary

LATE

Re: S.B. 1231 Relating to Parentage

**Hearing: February 11, 2025, 9:30 a.m.
Conference Room 016**

Dear Chair Rhoads, Vice Chair Gabbard and Members of the Committee:

Hawaii Women Lawyers ("HWL") **supports S.B. 1231 with amendments.** This bill proposes to repeal the Uniform Parentage Act of 1973 and update laws relating to parentage, including enacting portions of the Uniform Parentage Act of 2017.

Hawaii Women Lawyers is a lawyer's trade organization that aims to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

There have been many changes in society, law and medical technology since the original enactment of Uniform Parentage Act of 1973, which was originally created in response to establish a legal framework for establishing parent-child relationships. The Uniform Law Commission released numerous updates to the Uniform Parentage Act since this original framework, and we believe there is a significant need to update Hawaii's parentage statutes.

In 2023, the Legislature created a two-year task force with its passage of Act 156, Session Laws of Hawaii 2023 to review this complex statute and make recommendations to update the Uniform Parentage Act. This measure is the result of that work and largely adopts the Uniform Law Commission's 2017 update to the law.

We support this measure because it provides a more certain path and inclusion under the law for same sex couples, single parents, and children born through assisted reproductive technology and surrogacy. We also appreciate that updates to the law will provide long-needed clarity in Hawaii's parentage act to eliminate outdated gender terms, provide a clear path to establishing voluntary, expedited and de facto parentage, and protect parent-child relationships of all types. In the wake of recent national trends, it is more important than ever that the Legislature take steps to protect all families in Hawaii and to recognize the diversity of ohana in our community.

We are aware that there have been concerns expressed regarding Part X of this bill, which relates to birth heritage (starts on Page 94, line 16). We support removing this part of the bill so that the focus can be on passing the rest of this important measure.

Thank you for the opportunity to submit testimony in support of this bill.



TESTIMONY FROM THE STONEWALL CAUCUS OF THE DEMOCRATIC PARTY OF HAWAII

SENATE COMMITTEE ON JUDICIARY

FEBRUARY 11, 2025

Testimony in Support of Senate Bill [1231], Relating to Parentage

Aloha Chair Rhoads, Vice Chair Gabbard and esteemed Members of the Committee,

My name is Abby Simmons, Chair of the Stonewall Caucus of the Democratic Party of Hawai'i, in strong support of Senate Bill [1231], which modernizes Hawaii's parentage laws by incorporating provisions from the Uniform Parentage Act of 2017. This bill is a necessary and long-overdue step toward ensuring equity, clarity, and legal security for all families in our state.

Why This Bill is Important

1. Protects All Families, Including LGBTQ+ Parents

Hawaii's current parentage laws do not fully reflect the diversity of today's families. SB1231 ensures that children of same-gender couples have the same parental rights as children of heterosexual couples, eliminating outdated legal uncertainties that could deny parental rights based on gender or biology.

2. Recognizes Functional Parents

This bill acknowledges that parenthood is more than biology. Many children are raised by individuals who provide for them emotionally, financially, and physically but lack legal recognition. By establishing functional parentage, this bill protects these vital parent-child relationships and prevents children from losing their caregivers due to legal loopholes.

3. Addresses Advances in Assisted Reproduction & Surrogacy

With advancements in reproductive technology, families are increasingly turning to assisted reproduction, surrogacy, and gamete donation. SB1231 creates clear, legal pathways for

intended parents while ensuring the rights and responsibilities of all parties involved are well-defined and legally recognized.

4. Provides Clarity and Legal Certainty

The bill establishes transparent, standardized procedures for determining parentage, including genetic testing guidelines, voluntary acknowledgments, and court adjudications. This clarity benefits parents, children, and the legal system by reducing conflicts, ensuring fair rulings, and preventing costly disputes.

5. Strengthens Child Welfare Protections

By modernizing parentage laws, this bill ensures that all children—regardless of the circumstances of their birth—are entitled to the same legal protections, inheritance rights, and child support benefits. No child should be left vulnerable due to outdated legal definitions of parenthood.

In conclusion:

SB1231 is a crucial step toward fairness and inclusivity in Hawaii's family law system. It ensures that our laws recognize and protect the diverse ways families are formed today, guaranteeing that all children and parents—regardless of gender, biology, or reproductive method—have equal legal rights and responsibilities.

We respectfully urge this committee to pass SB1231 and affirm Hawaii's commitment to family equality and child protection. Thank you for the opportunity to testify.

Respectfully,

Abby Simmons (she/her)
Chair & SCC Representative
Stonewall Caucus
Democratic Party of Hawai'i
<https://linktr.ee/stonewalldph>
(808)352-6818

SB-1231

Submitted on: 2/9/2025 2:30:31 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Danielle Winston	Testifying for The Seed Scout, LLC	Comments	Written Testimony Only

Comments:

Danielle Winston, Esq.
Founder and CEO
The Seed Scout
Danielle@theseedscout.com

202-689-9399**Feb 9, 2025**

Committee Members
Senate Committee on Judiciary
Senate, Hawai'i State Legislature

415 South Beretania St.**Honolulu, HI 96813****RE: Opposition to Outdated Version of Article 9 in SB1231****Dear Committee Members,**

I am writing to you on behalf of The Seed Scout, a donor matchmaking service dedicated to ethical, fully known sperm donation. We are a mission-driven organization that connects intended parents with donors who commit to openness and accountability. Since our founding, we have facilitated over 250 successful matches, with more than 80% of our donors and clients coming from the LGBTQ community. Importantly, we serve families in Hawaii and have donors available in the state, ensuring access to known donors without unnecessary cost increases.

We urge the committee to reject the outdated version of Article 9 included in SB1231. This older version denies donor-conceived individuals the fundamental right to access their genetic information. Instead, we strongly advocate for amending SB1231 to incorporate the

2024 version of Article 9, which reflects best practices and prioritizes the rights and well-being of all parties involved—donors, intended parents, and donor-conceived individuals. If incorporating the 2024 version is not feasible, we ask that Part 10 be removed from SB1231 entirely. Keeping an outdated version is worse than having no statutory provision at all.

One argument against eliminating donor anonymity is that it would drastically reduce the supply of donors and drive up costs for families. This claim is unfounded. At The Seed Scout, we work exclusively with fully known donors and have over 550 individuals who willingly participate in this ethical model. Our costs are comparable to those of traditional, anonymous sperm banks. Furthermore, by requiring known donation, we ensure that intended parents receive accurate and updated medical histories, including annual medical updates from donors. This transparency benefits everyone involved and establishes long-term accountability.

We have a responsibility to act in the best interests of donor-conceived individuals, intended parents, and donors alike. The time has come to eliminate anonymity and embrace ethical, transparent donor conception practices. We urge the committee to amend SB1231 to reflect the modernized 2024 version of Article 9 or, alternatively, to remove Part 10 entirely if the outdated provisions cannot be replaced.

Thank you for your time and consideration.

**Sincerely,
Danielle Winston
Founder and CEO
The Seed Scout**



February 8, 2025

Subject: This letter is in **SUPPORT of SB 1231** – Updating Hawaii’s Parentage Laws

Dear Chair Rhoads, Vice Chair Gabbard, Committee on Judiciary Members:

As a clinic specializing in Reproductive Endocrinology and Infertility, the Fertility Institute of Hawaii **strongly supports SB1231**, which seeks to repeal the outdated **Uniform Parentage Act of 1973** and modernize Hawaii’s laws to reflect the realities of contemporary families, parenthood, and reproductive technologies.

Our clinic and field of medicine are dedicated to helping individuals and couples—regardless of gender, marital status, or sexual orientation—achieve their dreams of parenthood through assisted reproductive technology (ART). However, the current legal framework governing parentage in Hawaii is **outdated and inequitable**, failing to fully account for the diverse and evolving ways in which families are formed today.

In the past few decades, advancements have transformed reproductive medicine. Surrogacy, in vitro fertilization (IVF), embryo donation, and other assisted reproductive techniques have become common pathways to parenthood. At the same time, societal progress has redefined traditional notions of family, ensuring that children born to same-gender couples and through ART receive equal legal recognition and protection.

SB 1231 represents a much-needed update by:

- **Ensuring Equal Treatment for All Children:** It guarantees that children born to same-gender couples are afforded the same legal protection and parental recognition as those born to heterosexual couples.
- **Recognizing Functional Parents:** It acknowledges the critical role of individuals who have functioned as a child's parent, safeguarding the best interests of the child.
- **Providing Clear Legal Guidelines for Surrogacy:** With increasing numbers of families utilizing surrogacy, **SB 1231** offers clarity and legal certainty for intended parents, surrogates, and the children born through these arrangements.

We see firsthand the **devastating consequences of outdated laws** that fail to protect intended parents and their children. Many of my patients, whether they are same-gender couples, single parents, or individuals using surrogacy face legal uncertainties that can lead to unnecessary emotional distress, financial burdens, and even legal challenges in securing their parental rights.

Without legal modernization:

- **Non-biological parents risk being denied legal recognition**, despite their full parental intent and responsibilities.
- **Children born via ART and surrogacy face potential legal uncertainties**, including challenges in obtaining accurate birth certificates and parental rights protections.
- **Intended parents may experience unnecessary legal battles**, leading to distress and barriers in forming secure family units.

SB1231 will ensure that all families in Hawaii regardless of how they are formed receive equal recognition and legal protection. Hawaii has long been a leader in inclusivity and equality. By passing SB1231, the state will continue to uphold its commitment to protecting **all** families and ensuring that every child is treated fairly under the law.

As a reproductive specialty clinic, we urge you to **support this critical legislation** to bring Hawaii's parentage laws into alignment with both modern medical advancements and evolving family structures. Thank you for your leadership and commitment to advancing equality and legal security for all families in our state.

Thank you for taking the time to consider this critical issue.

Sincerely and Mahalo,

A handwritten signature in black ink, appearing to read 'John L. Frattarelli', with a stylized, flowing script.

John L. Frattarelli, M.D., HCLD
Founder, CEO, Laboratory, Practice, & Medical Director
Fertility Institute of Hawaii &
Advanced Reproductive Medicine & Gynecology of Hawaii, Inc.
1585 Kapiolani Blvd, STE 1800, Honolulu, HI 96814
www.IVFcenterHawaii.com

SB-1231

Submitted on: 2/10/2025 6:31:31 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Wendy Kramer	Testifying for Donor Sibling Registry	Oppose	Written Testimony Only

Comments:

I oppose the bill as it is currently written.

My testimony and recommendations **advocate for the person conceived by assisted reproduction (donor-conceived people/person//DCP)** about whom these bills provide a process to determine parentage.

As the director of the (501c3) Donor Sibling Registry, I promote creating happy and healthy donor families built on trust, honesty, and transparency.

Recommended amendment: Use the language in UPA Section 806 of both the 2017 and 2024 versions regarding the right of the person conceived by assisted reproduction to inspect any documents about their origins created through this law. The proposed Hawaii SB1231 omitted this access language.

Specify in the Hawaii bill that DCP impacted by this law will have the right to inspect any court records pertaining to the parentage arrangements and other related proceedings, including sealed original birth certificate and the evidence used to create a new birth certificate upon request, once the child reaches the adult age of 18.

The **purpose** of my recommendations is to promote access for DCP to request and receive information about their own origins, ancestry, and genetics. This information is fundamental to a healthy identity. It is an innate human desire to know where we come from: our ancestry, family medical history, and our close genetic relatives. The [Donor Sibling Registry \(DSR\)](#) has been connecting, educating, and supporting DCP, donors, and their families for 25 years. The DSR has almost 100,000 donor family members, and we have connected almost 27,000 of them since 2000.

Why? [Evidence from many published research studies on DCP](#) and many thousands of anecdotal reports tell us that it does matter to children and the adults they become to have truthful information about who and where they came from. There is overwhelming evidence that donor-conceived people are interested in and are seeking information about their genetic roots.

While the self-reported medical history collected at the time of gamete donation is sometimes helpful, it is a (sometimes incomplete or inaccurate) snapshot of one day in the life of a healthy young donor. It tells nothing of what happened to that person (or their close relatives)

after the donations. Sperm banks and egg clinics rarely update donor's medical records and rarely share the information with families, as none have accurate records for the children born to any one donor.

[Our published research shows that:](#)

84% of sperm donors have never been contacted by their clinic(s) for medical updates.

96% of egg donors have never been contacted by their clinic(s) for medical updates.

23% of sperm donors felt that they had medical/genetic issues that would be important to share with families.

31% of egg donors felt they had medical/genetic issues that would be important to share with families.

We have thousands of medical reports being shared on the Donor Sibling Registry every year. Sometimes, this sharing saves lives.

Additionally, [donors who are sold as "Open" frequently are never available to DCP when they turn 18.](#) Donor-conceived people born from the 1940s-current, and their parents are desperate for information

Thank you for the opportunity to testify.

Wendy Kramer, Co-founder and Director, The Donor Sibling Registry,
wendy@donorsiblingregistry.com

9 February 2025

LATE



RE: HI SB 1231

Dear Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee on Judiciary,

My name is Kara Rubinstein Deyerin, and I serve as CEO of Right to Know, a nonprofit that supports individuals impacted by genetic identity issues, misattributed parentage, and loss of genetic continuity through education, mental health initiatives, and advocacy. Our work includes supporting those affected by adoption, assisted reproduction, and non-paternal events.

I co-founded Right to Know after a personal DNA surprise five years ago when, with a single click, I discovered I was not genetically related to the man I believed to be my father. That experience fundamentally changed my understanding of identity and reinforced the importance of genetic truth.

Genetic Identity Matters

Knowing one's genetic identity is essential for:

- **Physical and Mental Health:** Accurate health information is critical for prevention, diagnosis, and treatment.
- **Identity Formation:** Understanding one's origins shapes a person's sense of self.
- **Cultural Heritage:** Genetic connections contribute to cultural belonging and continuity.
- **Familial Relationships:** Transparency strengthens family bonds and prevents unintended consanguineous relationships.

Donor anonymity is no longer a reality in the age of genetic testing. Today, 1 in 7 Americans have taken a direct-to-consumer DNA test. Many have uncovered unexpected truths about their parentage. Our research shows that **90% of donor-conceived individuals attempt to contact their donor**, highlighting a fundamental human need to understand one's origins.

Without the right to know their genetic origins, donor-conceived individuals face severe medical and psychological challenges, strained family dynamics, and an increased financial burden on the healthcare system. If we are legislating the right to build families, we must also ensure the **rights of the children, parents, and gamete providers** are protected. If you are going to address the right to build a family, you need to ensure the rights of the child, the parents, and the gamete providers are all protected and the legislation does not create second class citizens.

Requested Changes to SB 1231

I am requesting the following changes to the language of the bill:

1. Sec. 1004 be changed to "Provide the donor with information stating their identifying information will be available to their offspring if requested once they attain the age of 18."



2. Striking from Sec. 1005(a) “~~... unless the donor signed and did not withdraw a declaration under section 1004(b)(2). If the donor signed and did not withdraw the declaration, the gamete bank or fertility clinic shall make a good faith effort to notify the donor, who may elect under section 1004(e) to withdraw the donor's declaration.~~” From Sec. 1005(a). The following addition should be me to subsection (c): “ On request of a child conceived by assisted reproduction who attains eighteen years of age, a gamete bank or fertility clinic licensed in the State that received the gametes used in the assisted reproduction from another gamete bank or fertility clinic shall disclose the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes **as well as identifying information about the donor**”.
3. Sec 1006(b) be stricken and the following be added “ A gamete bank or fertility clinic licensed in the State that receives gametes from another gamete bank or fertility clinic shall maintain the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes **as well as identifying about the donor.**”

Why This Matters

Lessons from the closed adoption system of the past century show that secrecy causes harm. Research demonstrates that donor-conceived individuals overwhelmingly desire access to their origins. Data reinforces this:

- **95%** of donor conceived individuals have taken a DNA test.
- **89%** say knowing their donor’s identity is important.
- **78%** successfully identified their donor through DNA testing (only **4%** through official registries).
- **80%** attempted contact; **50%** had a positive response from their biological parent. Those who learn their donor’s identity are more likely to report a **positive experience** as donor-conceived individuals.

Conclusion

I respectfully urge the committee to demonstrate leadership by ensuring lifelong truth and transparency in family-building laws. Everyone has the **right to know their origins**, and this bill must protect that fundamental right. Let’s not create second class Thank you for your time and consideration.



Kara Rubinstein Deyerin, JD, LLM
CEO, Right to Know



*Testimony of
Deirdre Marie-Iha*

February 8, 2025

Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice-Chair
Senate Committee on Judiciary
State Capitol, Room 016
415 South Beretania St.
Honolulu, Hawaii, 96813

Re: Strong Support for SB 1231, Relating Parentage

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

I write in **strong support of SB 1231**, Relating to Parentage. This measure is the result of the efforts and recommendations of the taskforce formed by this Legislature under 2023 Haw. Sess. L. Act 156. I was honored to serve as a member of that taskforce and am thrilled that our proposed bill has been introduced and is being heard by this Committee.¹

This is an important bill. In short, Hawaii's existing statutory law on parentage is very much outdated. Our parentage statutes have not kept pace with the modern definitions of family or marriage that already exist under our State's laws. This is particularly true for the methods of proving parentage or paternity; assisted reproduction such as IVF; and surrogacy arrangements.

The proposed measure addresses these concerns, by enacting new provisions largely drawn from the 2017 version of the Uniform Parentage Act, as published by the Uniform Laws Commission. To fully accomplish this objective, the bill also repeals the 1973 version of the Uniform Parentage Act, currently found in HRS chapter 584. Where necessary, existing family law provisions are re-enacted (and updated) to dovetail with the 2017 UPA. Most strikingly, where Hawai'i statutory law is currently silent on assisted reproduction and surrogacy, this proposed bill would enact comprehensive statutory law addressing both, and in a manner consistent with the current recommended national standards in this area of law. These statutory updates and additions are very much needed, and well overdue.

The taskforce paid special attention to making sure our proposed bill would be gender-neutral and inclusive. For me personally, I wanted to be sure that the bill would fully protect same-sex couples. Some time ago I was a deputy attorney general for the State AG's, and in that capacity I had the great privilege to serve in a central role in the enactment and defense of Hawaii's Marriage Equality Act in 2013. Back then, we knew that the parentage laws were outdated but could not address that issue at the time. When this taskforce was formed ten years later, Attorney General Anne Lopez personally asked me to serve on this taskforce for precisely that reason: I understood the legal context for same-sex couples. As the taskforce considered every part of this bill, my personal guiding principle was to be sure that families and couples

¹ I am currently a partner at Goodsell Anderson Quinn & Stifel and offer this testimony in my personal capacity.

would be treated equally under the laws governing parentage, regardless of biological sex, gender, orientation, or cisgender or non-cisgender identities. I believe that, if enacted, our proposed measure would achieve this important goal.

This is a very detailed and lengthy measure. For more information, the taskforce's report may be found at: https://www.capitol.hawaii.gov/sessions/session2025/Bills/DC84_.pdf

I strongly urge the Committee to pass this measure.

Very truly yours,

Deirdre Marie-Iha
Honolulu, Hawai'i

Testimony in Opposition to SB1231, Part 10

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

1. My Family's Background

My name is Rachel Heffner, and I am a resident of Hawai'i with personal experience in donor conception. I submit this testimony in **strong opposition** to **SB1231, Part 10**, which would codify donor anonymity in the state of Hawaii, and denies donor-conceived people access to their genetic identity. Allowing part 10 would be a disservice to the families this bill intends to protect.

After years of unsuccessful attempts to get pregnant, my husband and I conceived our daughter in 2017 through IVF with an anonymous egg donor. At the time, I believed that if an anonymous donor could help us achieve pregnancy, it was the best option forward. Only later did I realize how profoundly donor anonymity can impact a child's sense of identity.

- By age three, my daughter was asking who the donor was, what color her hair was, and where she lived. These are natural, age-appropriate questions any child might have about someone who contributed half of their DNA.
- More recently, she learned that, while we found and contacted our donor, the donor asked to not have contact with us. My daughter's reaction was, "why doesn't she want to meet me?"

While our daughter remains happy, healthy, and well-adjusted at age seven, it is clear that **donor anonymity has the potential to greatly impact her future**, especially during later years when identity formation and development of self-worth are of large importance. Donor anonymity deprives her of deeper insight into her own genetic origins, and cuts her off from receiving updated health information about her biological relatives.

2. Concerns About Part X of SB1231

While the current proposed language might seem like a middle ground, it continues to **permit anonymity** as an indefinite option, prioritizing the donor's right to remain unknown over a child's curiosity, emotional well-being, or need for potentially life-saving genetic information. Instead I urge the committee to:

1. **Adopt the updated 2024 version of Article 9:** This version allows for the protection of donor-conceived individuals, and ensures they have access to essential genetic and medical information upon reaching the age of 18.

OR

2. **Remove part 10 entirely from SB1231:** Preventing the codification of donor anonymity.

Fundamentally, this current proposed language **does not align** with the child-centered approach that many professional organizations advocate, including the American Society for Reproductive Medicine (ASRM) and RESOLVE: The National Infertility Association. Both have urged states to **avoid** policies that would permanently lock children out of knowing their genetic origins if they so desire.

3. Why I Believe Anonymity Should Never Be an Option

1. **Child's Best Interests**

Children thrive when they have access to the full story of their origins. Medical files alone do not capture the sense of personal connection or closure that can come from knowing a donor's identity.

2. **Modern Realities**

In an age where DNA testing is widely available, the law cannot truly guarantee anonymity. Encouraging donors and recipient parents to rely on "forever anonymity" may create unrealistic and unfair expectations.

3. **Supported by Leading Organizations**

Many respected groups, such as **ASRM**, **RESOLVE**, and the **Uniform Law Commission**, recommend policies giving donor-conceived people the option to access identifying information at adulthood. Making anonymity permanent or even default runs counter to these best practices.

4. In Conclusion

I respectfully ask this Committee to **reject** Part 10 of SB1231 or amend it so that donors **cannot** permanently opt out of identity release. Donors should have a voice in how or when identifying details are shared, but a child's fundamental well-being and emotional needs must not be overshadowed by blanket anonymity.

True child-centered legislation would ensure that all donor-conceived individuals at least have access to identifying information upon reaching adulthood, if they wish. Mahalo for considering my testimony and for working toward a legislative framework that respects both donors and donor-conceived families in a modern and realistic way.

Sincerely,
Rachel Heffner

SB-1231

Submitted on: 2/9/2025 9:14:02 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Dr. Carrie Eichberg	Individual	Oppose	Remotely Via Zoom

Comments:

February 10, 2025

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

My name is Dr. Carrie Eichberg and I have been a licensed psychologist for 23 years. I am licensed to practice in Hawaii, Idaho, and California. I am providing this testimony to oppose Senate Bill 1231, specifically Part 10, as it prevents donor-conceived persons from having the ability to contact their donor(s) once they reach the age of majority.

I specialize in reproductive psychology. I work with gamete donors, recipients and donor conceived persons. I have done hundreds of donor evaluations and recipient consultations. When I first meet with a donor and ask them if they are comfortable with future contact of the resulting offspring when he or she is 18, many donors are at first hesitant. However, once I explain to them why a donor conceived person may want contact, mainly curiosity and for health information, not for parental attachment, most all donors agree to it. Most recipients also agree this is in the best interest of their future children.

Psychologists understand and know the importance of healthy identity development. Part of this development is understanding who one is genetically. In fact, the United States and many other countries are moving toward more openness in both gamete donation and adoption. In the United States only 5% of adoptions are now considered closed, when adoptees have no contact information from birth parents. Adoption is “open” because adoption experts have led the field in discovering how knowing one’s genetic contributors helps promote healthy identity development. Furthermore, it is impossible to be anonymous in the world today. Considering direct to consumer DNA testing companies, anyone can be found. Wouldn’t it be better for donors to agree to share contact information when they are donating and not be shocked 18 years later when they are contacted by an email from 23 and Me? Identity release donation benefits donors, recipients and donor conceived persons. Any donor who is uncomfortable with being identified sometime in the future should not be donating at all.

I am not just a psychologist but the mother of two sons, ages 18 and 15, from egg donation. After agreeing to an unknown donation 20 years ago, I realized what a mistake that was. I found my donors through a donor matching website and with the help of my reproductive clinic. The donors and I text a few times a year and share pictures. My sons have met them. I can now know my children’s health information. This was critical because one of the donors found out about a

genetic cardiac issue that she did not know about when she donated. If my sons ever have a question about their genetics, I can say lets ask “Julie” rather than “I don’t know and we may never know.”

As a psychologist, I would like to ask you to do a little thought experiment with me. Let’s say your parents sat you down and said “You know honey, we had fertility problems and we wanted to let you know we used a sperm donor to have you.” How would you feel? Would you love your parents any less? Of course not. But I bet you would be curious and perhaps the first thing you might do is research to find that person. Maybe you aren’t interested in contact, but if you had the ability to know who they are, I bet you would want to know. All of our research about why donor conceived persons want contact information points to the issue of curiosity and our ethics guides us towards honoring the right to know for donor conceived persons. I urge you not to support SB1231 unless it is amended to include the updated 2024 Article 9 of the Uniform Parentage Act or, if that cannot be adopted, to remove Part 10 entirely.

Thank you for your time and consideration.

Sincerely,

Dr. Carrie Eichberg

February 11, 2025

TO: Sen. Karl Rhoads and Senate Judiciary Committee Members
FR: Laurel Johnston
RE: SB1231 - Uniform Law on Parentage

Aloha! I served on the Act 156 Task Force on Parentage, as the representative for adoptee issues related to birth heritage and family medical history, but I am testifying today in my individual capacity.

As an adopted person raised within the closed adoption system, my birthparent's identity, including family medical history, was sealed in court records. From the 1940's, this was the law in most states until research from social workers and psychologists began to show the negative effects of withholding birth heritage information from adoptees and their adoptive parents. In 1989, I joined local advocates to request that adopted persons, at age 18, have access to their sealed family court records that contain information about their birth heritage. In 2016, the Hawaii legislature approved access for adult adopted persons to their sealed family court records, which has helped many adopted persons connect with genetic family members and access family medical history.

Similarly, persons born through assisted reproductive technology face the same missing birth heritage and family medical history when their parents use donor gametes and/or surrogates to create a child who may not be their genetic child. Further, research beginning in the 21st century about donor-conceived persons has revealed that they want to know more about their genetic and birth heritage. We also now know much more about inherited medical conditions and potential cures through genetic technology that could be critical information for a donor-conceived person as they develop. There are national organizations that have been formed in support of access to birth heritage for adoptees and donor-conceived persons. Attached is a list of these organizations.

In January 2024, the Uniform Law Commission (ULC) updated their Uniform Law on Parentage related to disclosure of donor identity, to allow an adult donor conceived person to request the identity of their donor, in order to request birth heritage and current family medical history. Regrettably, the Task Force chose to retain outdated language related to disclosure of donor identity from the 2017 version of the ULP. The 2017 version does not serve the best interests of adult donor conceived persons, as it allows donors to unilaterally decide whether or not they will provide birth heritage and family medical history upon request of the donor conceived adult.

Thus, I am respectfully asking you to amend Part 10 of this measure by deleting the 2017 provisions related to donor identity and inserting the 2024 ULC update that allows donor-conceived persons, at age 18, to access donor information including birth heritage and family medical history. The 2024 ULC update is attached to my written testimony.

Finally, should the Committee not support the 2024 ULC update, I request that Part 10 of this bill, be removed in its entirety.

Mahalo nui for your attention and consideration.

National Organizations supporting the sharing of donor information

- *Adoption Knowledge* - US organization offering education and support for adoptee searches, including donor conceived community members
<https://www.adoptionknowledge.org>
- *Donor Sibling Registry* - US organization founded in 2000 to educate, connect, and support donor families <https://donorsiblingregistry.com>
- *Right to Know* - US organization advocating for right to know genetic information (national and international members) <https://righttoknow.us>
- *US Donor Conceived Council* - US organization that strives to increase awareness of the needs, interests, and challenges of donor conceived people and advance change that promotes and protects their health, welfare, and human rights.
<https://www.usdcc.org>
- *National Association of Adoptees and Parents* - US organization dedicated to enhancing the lives of adoptees by unifying and elevating the voice of all adoptees regardless of where they are in their adoption journey.
<https://naapunited.org/about>
- *Untangling Our Roots* - US organization sponsoring annual conference to connect adoptees, children of ART, and unknown fathers over issues re: genetic heritage and access to genetic information <https://untanglingourroots.org>

[ARTICLE] 9
INFORMATION ABOUT DONOR

Comment

Article 9 is a new addition to the UPA. The content of this article was not included in UPA (2002). The content of new Article 9 is premised on a Washington State provision. Wash. Rev. Code § 26.26.750. A revision to Article 9 was approved in December 2023.

SECTION 901. DEFINITIONS. In this [article]:

(1) “Identifying information” means:

(A) the full name of a donor;

(B) the date of birth of the donor; and

(C) the permanent and, if different, current address, telephone number, and

electronic mail address of the donor at the time of the donation.

(2) “Medical history” means information regarding any:

(A) present illness of a donor;

(B) past illness of the donor; and

(C) social, genetic, and family history pertaining to the health of the donor.

SECTION 902. APPLICABILITY. This [article] applies only to gametes collected on or after [the effective date of this [act]].

SECTION 903. COLLECTION OF INFORMATION.

(a) A gamete bank or fertility clinic licensed in this state shall collect from a donor the donor's identifying information and medical history at the time of the donation.

(b) A gamete bank or fertility clinic licensed in this state which receives gametes of a donor collected by another gamete bank or fertility clinic shall collect the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

(c) A gamete bank or fertility clinic licensed in this state shall disclose the information collected under subsections (a) and (b) as provided under Section 905.

SECTION 904. (RESERVED).

SECTION 905. DISCLOSURE OF IDENTIFYING INFORMATION AND MEDICAL HISTORY.

(a) On request of a child conceived by assisted reproduction who attains 18 years of age, a gamete bank or fertility clinic licensed in this state which collected the gametes used in the assisted reproduction shall provide the child with identifying information of the donor who provided the gametes.

(b) Regardless whether a child has made a request under Section 905(a), on request of a child conceived by assisted reproduction who attains 18 years of age, or, if the child is a minor, of a parent or guardian of the child, a gamete bank or fertility clinic licensed in this state which collected the gametes used in the assisted reproduction shall provide the child or, if the child is a minor, the parent or guardian of the child, access to nonidentifying medical history of the donor.

(c) On request of a child conceived by assisted reproduction who attains 18 years of age, or, if the child is a minor, of a parent or guardian of the child, a gamete bank or fertility clinic licensed in this state which received the gametes used in the assisted reproduction from another gamete bank or fertility clinic shall disclose to the child or, if the child is a minor, the parent or guardian of the child, the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

SECTION 906. RECORDKEEPING.

(a) A gamete bank or fertility clinic licensed in this state which collects gametes for use in assisted reproduction shall maintain identifying information and medical history about each gamete donor. The gamete bank or fertility clinic shall maintain records of gamete screening and testing and comply with reporting requirements, in accordance with federal law and applicable law of this state other than this [act].

(b) A gamete bank or fertility clinic licensed in this state that receives gametes from another gamete bank or fertility clinic shall maintain the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

February 9, 2025

To: Senator Karl Rhoads, Chair
Senate Committee on Judiciary

From: Carol E. Lockwood

Re: S.B. 1231, Relating to the Uniform Parentage Act

Hearing: February 17, 2022, 9:30 a.m., Via Videoconference

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

My name is Carol Lockwood, I am an attorney in private practice with the firm of Schlack Ito, LLC, in Honolulu. I am Hawaii's only member of the Academy of Adoption and Assisted Reproduction Attorneys, an international, non-profit organization of attorneys, judges and other legal professionals dedicated to the competent and ethical practice of adoption and assisted reproduction technology ("ART") law. I am also the family law attorney representative to the Act 156 Task Force recommending updates to Hawaii's Uniform Parentage Act to address broader concepts of families and the use of ART. I am writing in my personal capacity in **support** of S.B. 1231.¹

When I started practicing ART law approximately fifteen years ago, I was stunned to discover Hawaii had no statutory or case law guidance on gestational surrogacy, traditional surrogacy, sperm donation, ova donation, embryo donation, reciprocal IVF/co-maternity, or any other methods of family building using ART. I did my best to educate myself with the limited legal education materials available online and sought the guidance of mainland colleagues generous with their expertise. I developed my own forms and procedures by applying analogous concepts from Hawaii law, and I benefitted from working with our very supportive family courts. In this way, I have been blessed to assist in the creation or expansion of hundreds of Hawaii families over the past fifteen years.

But this is not sustainable. Hawaii residents struggling to build their families through the use of ART deserve more than the idiosyncratic adaptation of an outdated statutory regime that does not adequately anticipate or address advances in reproductive technology over recent decades and the specific circumstances of infertile and/or non-cisheteronormative individuals and families. They need the clarity and predictability provided by S.B. 1231 which will, among other things –

- Ensure the jurisdiction of Hawaii courts reaches parties entering ART agreements or undergoing ART procedures in the State;
- Provide for the expedited, voluntary establishment of parentage by alleged genetic parents and intended parents through ART (regardless of marital status or gender identity);
- Protect known and anonymous gamete donors from parentage actions (and, thus, child support claims);
- Allow individuals to dispute parentage of children born to their spouse through ART without their consent;
- Establish clear requirements for gestational surrogates, intended parents via gestational surrogacy, and gestational surrogacy agreements;
- Permit the issuance of pre-birth parentage judgments for gestational surrogacies, reducing both the time and cost required to establish parentage;

¹ For a variety of reasons, including the apparent lack of gamete banks currently licensed and operating in the State of Hawaii, my recommendation would be that Part X of S.B. 1231 be deleted in its entirety.

- Facilitate amendment of birth certificates to reflect children's genetic and/or intended parentage through ART; and
- Mandate recognition of parentage determinations from other states.

To its credit, Hawaii has a time-honored tradition of recognizing that 'ohana can be created in many different ways and take many different forms, but that all are to be equally valued. Nonetheless, infertile and non-cisheteronormative individuals and families have, for too long, been required to navigate a confusing morass of outdated, only marginally-applicable statutes to confirm their legal status, rights and responsibilities under Hawaii law. It is a burden not imposed on other Hawaii families. S.B. 1231 would remedy that inequity by updating Hawaii's Uniform Parentage Act to specifically address the use of ART in family-building and ensure the equal treatment of infertile and non-cisheteronormative individuals and families under the law. I therefore respectfully urge the Committee to pass this measure.

SB-1231

Submitted on: 2/10/2025 6:29:44 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Diebel	Individual	Oppose	Remotely Via Zoom

Comments:

I oppose this bill because it does not protect the right of children to have access to identifying information when they are 18.

1. This bill should use the uniform parentage act of 2024. The UPA-2024 affirms the unambiguous right of the child, at 18, to information identifying the donor who provided the gametes and access to non-identifying medical information to a minor requesting information.
2. In most places, this bill uses UPA-2017. UPA-2017 is not best practice because it is not as clear as UPA-2024 about the child's right to have access to identifying information.
3. The UPA of 2017 and 2024, Section 806, **explicitly includes the child's right to inspect agreement documents**, "Unless the court orders otherwise, a petition and any other document related to a surrogacy agreement filed with the court under this [part] are not open to inspection by any individual other than the parties to the proceeding, *a child conceived by assisted reproduction under the agreement*, their attorneys, and [relevant state agency]."
4. The proposed version of **the bill ignores the child conceived** when listing who can access documents relating to agreements made. This is an omission.
5. The bill should be based on the principle that a person has a fundamental right to have knowledge of one's origins. Many cultures are built on ancestry. The Bible is an example of this kind of cultural knowledge. You can find many other examples.
6. The bill needs to remember that individuals value information about their ancestors and seek it out using genetic science. Ancestry information is a multi-billion dollar industry used for historical, medical and many other purposes.
7. My adoptive mother did her ancestry tree over many years, told me I was welcome to it but also said that she understood if it wasn't as important to me as it was to her.
8. As a clergy person, I am required by the Church to provide premarital counseling. One key part of that is family planning. State requirements should be clear. State requirements should be consistent with long standing cultural values of heritage. Parents need social support to disclose and discuss these facts. Children need to know.
9. As an adopted person, I can attest that not having that information affected me. I felt like a person without roots.
10. When I learned the names of my original parents I felt differently. Gained a sense of heritage.

11. This kind of information also affects my children and grandchildren. Its importance does not end with my generation but extends into the future. The same is true with all assisted reproduction. The bill needs to take all this into account.

SB 1231: Uniform Parentage Act

Repeals the Uniform Parentage Act (UPA) of 1973
and updates laws relating to parentage, including enacting portions of UPA of 2017

I oppose the bill as it is currently written.

My testimony and recommendations **advocate for the children / persons who will be created through assisted reproduction** about whom these bills provide a process to determine parentage.

These recommendations for transparency aim to serve **everyone's best interests by promoting emotionally healthy children and families.**

1. **Recommended amendment: Use the latest version of the Uniform Parentage Act (UPA) 2023/2024 Article 9.** Section 901-906 regarding "Information about donor," pages 61-63.

This version makes available to children created by assisted reproduction upon request after reaching age 18, **the donor's identifying information or the contact information of the gamete bank** that provided the gametes for their conception. This newest version of the UPA recognizes the evidence that people need to have access to information about their origins.

2. **Recommended amendment: Use the language in UPA Section 806 of both the 2017 and 2024 versions** regarding the **right of the person conceived by assisted reproduction to inspect** any of the **documents about their origins created through this law.** The proposed Hawaii SB1231 omitted this language.

Specify in the Hawaii bill that **the person created by assisted reproduction** impacted by this law **will have the right to inspect any court records pertaining to the parentage arrangements and other related proceedings,** including sealed original birth certificate and the evidence used to create a new birth certificate upon request, once the child reaches the adult age of 18.

The exact language in UPA 2017 Section 806 states "Unless the court orders otherwise, a petition and any other document related to a surrogacy agreement filed with the court under this [part] are not open to inspection by any individual other than the parties to the proceeding, A CHILD CONCEIVED BY ASSISTED REPRODUCTION UNDER THE AGREEMENT, their attorneys, and [the relevant state agency]."

These changes for access affect SB1231 pages 38 -39 (-508), 41(-510), and 83 and 89 (surrogacy agreement section).

The **purpose** of my recommendations is to promote access for persons created by assisted reproduction to request and receive information about their own origins and genetics. This

information is fundamental to healthy identity and acquiring an accurate, up-to-date medical history.

Why this matters? Evidence from the closed adoption system enacted last century displays that it does matter to children and the adults they become to have truthful information about where they came from. You also can find evidence that donor-conceived people are interested in and are seeking information about their genetic roots.

For those who always knew about their genetic relationships with their family, it might be hard to fully understand the importance of this information. Those of us who grew up without having this basic information about our origins know how it feels and matters. For example, when we went to the doctor, we were asked about our family medical history. The answer was, "I don't know, I was adopted."

While the medical history collected at the time of gamete donation will be helpful, it is only a snapshot in time from a young person's perspective and is usually from self-report without any verification. Having contact information of one's donor or a path to hopefully get that basic information can be essential especially in the case of a serious medical problem, like needing a kidney or to determine risk of various health problems.

Another example of the value of this information is to avoid someone marrying their sibling when they don't know they are related. Some donor-conceived people have reported finding many siblings all resulting from the same sperm donor.

In conclusion, I would drop my opposition to this bill, if the above two amendments were made to the bill that are in the best interests of the donor-conceived children and families.

Thank you for the opportunity to testify.

Sincerely,

Kat McGlone

Kat McGlone

Link to the UPA 2024 Section 806 or Article 9 :

<https://www.uniformlaws.org/viewdocument/final-act-96?CommunityKey=c4f37d2d-4d20-4be0-8256-22dd73af068f&tab=librarydocuments>

SB-1231

Submitted on: 2/10/2025 9:09:33 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mihoko Ito	Individual	Support	Remotely Via Zoom

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee on Judiciary:

Thank you for the opportunity to submit this testimony in strong support of SB 1231 Relating to Parentage. This bill updates Hawaii statutes relating to parentage, including the voluntary establishment of parentage process under the Department of Health and the adjudication of parentage under the Judiciary. I served on the two-year working group that convened to work on this legislation.

The purpose of this bill is to address these very outdated areas of the current Hawaii law, which have not been updated since Hawaii adopted the Uniform Parentage Law of 1973. In the intervening years, numerous advances in medical technology have significantly changed the ability to conceive children through in vitro fertilization and gestational surrogacy. Many other states have changed their laws to adapt in response, by 1) allowing for the establishment of a pre-birth order through parentage proceedings in courts and 2) updating the voluntary establishment of parentage process to be more inclusive and provide all types of intended parents with certainty around their family planning.

My personal interest in this measure and serving on the task force is because I went through my own fertility journey - and in researching my options regarding surrogacy, I chose to proceed in California in part due to the outdated laws in Hawaii and the lack of certainty in the existing procedure to establish parentage in Hawaii. We were fortunate that we were able to do this given the extraordinary financial and emotional cost of working with a gestational surrogate in another state. Based on my experience, I firmly believe that this law needs to be amended in our state so that future families of all types can be treated fairly and given feasible options as they embark on their own family planning.

I would also like to note that, as part of the task force discussions, the most controversial subject was the adoption of Part X of the bill relating to birth heritage. We debated this issue thoroughly in the task force and in the current version of SB 1231, and ultimately opted to adopt the 2017 and 2019 version of the birth heritage law which preserves the option of anonymous gamete donation rather than requiring mandatory disclosure of a donor's identity. Recognizing that this is a difficult issue that may need more discussion, I would respectfully recommend taking out Part X and moving the remainder of the bill if the Committee is so inclined.

I sincerely appreciate the Legislature considering this important measure and thank you for the opportunity to testify in support of SB 1231.

Mihoko

Date: February 11, 2025
To: Chair Rhoads and Members of the Senate Committee on Judiciary
From: Jeff Esmond
Subject: SB1231 Relating to Parentage
Position: I oppose Part X of SB1231 in favor of Article 9 (2024)

“It’s hypocritical of parents and medical professionals to assume that biological roots won’t matter to the products of the cryobank’s service when the longing for a biological relationship is what brings customers to the bank in the first place.”

-Bioethics: The Law, Medicine, and Ethics of Reproductive Technologies and Genetics online course

Not only does Part X of SB1231 make that assumption, but it will codify this hypocrisy into State law by formalizing two tiers of donor conceived children, with one tier having a right legally denied to them by the State of Hawai’i by means of unwarranted government intrusion.

As a dad to children conceived by anonymous donation, it is my intent to provide a voice for future donor conceived children of Hawai’i, and by default to future Intended Parents of Hawai’i.

Personal Introduction and My Story

My name is Jeff Esmond. I am currently the Chair of the Hawai’i State Commission on Fatherhood (HS-COF) and I represented HS-COF on the Act 156 Task Force to Recommend Amendments to Existing Parentage Laws. This testimony, however, is not on behalf of the Commission nor the Task Force but is presented as personal testimony on behalf of myself and in support of donor conceived children and their parents.

I am focused strictly on Part X which is taken from Article 9 of the Uniform Law Commission (ULC)’s draft bill. As you will see, my personal experience allows me a particular interest in Part X of this bill.

I am a married gay father who pursued parenthood by means of surrogacy with donor eggs because we wanted a biological connection to our children. Due to costs, the law and accessibility for gay couples at the time, we were unable to do this in Hawai’i and ended up pursuing parenthood in India, when all we wanted to do was to pursue parenthood right here at home. As Intended Parents, we chose anonymous egg donation for the following reasons:

- We were informed that this was what most people did so this was an acceptable choice
- The cost was cheaper than for identifiable donors

- No one, including the professionals involved in the process, explained to us the meaning or implications to our children of using an anonymous donor. We did not even realize to research it. The choice between anonymous donors and identifiable donors was never provided to us ‘on a level playing field’ by the professionals we trusted.
- We felt a sense of insecurity, worried that someone else could possibly have a claim to our children. Now, having been a father for almost 15 years, I recognize that no other person, even biologically related, could replace my relationship with my children. I will always be “Dad”, whether or not I myself am a genetic parent.

While I would never trade my children for the world, if I had the opportunity to do this again, based on what I now know and understand, I would never choose an anonymous donor. This belief does not negate either my children’s existence nor does it harm our relationship.

Background of Article 9

As you know, SB1231’s intent is to update the State’s existing parentage laws to include “current concepts” and to ensure the “equal treatment of children”. The bill is based on the national ULC’s draft, which was updated in full in 2017, with minor updates in 2019, followed by an update to Article 9 in 2024 (see Attachment 1). The Act 156 Task Force adopted most of the current version of the ULC’s current draft bill but, by majority vote, chose to exclude the Article 9 (2024) update in favor of the outdated, and no longer current, version of Section 9 (2017/2019).

As discussed on Page 8 of the Act 156 Final Report (see Attachment 2), “Current Hawai’i law, however, provides no guidance regarding the use of donor gametes, the legal status of donors, or the collection and possible disclosure of information relating to gamete donors.”

The main difference between the drafts of Article 9 is that the outdated versions require the option for anonymous gamete donation, allowing for nonidentifiable donors, whereas the current version opens up gamete donation only to donors who agree that their identity can be released upon request when a donor conceived child has reached at least the age of 18.

Adoption of the outdated versions assumes that Intended Parents understand the difference in the implications between anonymous and identifiable donors and also leads to unequal and discriminatory treatment of children born to Intended Parents seeking biologically related children by means of anonymous donated gametes.

My position here is that donor conceived persons should be the ones to choose as adults whether to access their donor’s identity. This decision should not be withheld or taken away from them before they are even born. Writing Article 9 (2017/2019) into State law would be an unwarranted government intrusion into individual rights. Excluding Article 9 entirely would have a similar effect.

A Timeline of the Process

Starting here

Donors, after screening, make a donation, fully aware that they may have a genetic offspring. They are not informed if Intended Parents use their donation, nor whether there is a successful birth.

Under current practice and the outdated Article 9 (2017/2019), they can choose to remain anonymous, or have their identifiable information withdrawn if they later choose to remain anonymous.

Up to 9 months later

Donor conceived child is born

At a later date

Some Intended Parents, for an assortment of reasons, and for many, after a variety of failed attempts at becoming parents, turn to Assisted Reproductive Technology (ART) with the use of donor gametes (male or female). Identifiable donors are generally more expensive than anonymous donors.

18 Years later

Donor conceived child turns 18 and, if donor is identifiable, has the option to learn the identity of their donor and then has the option to contact them.

A Reasonable Set of Arguments and a Failed Set of Arguments within the Final Report

On page 9 in the Birth Heritage section of the Final Report of the Act 156 Task Force, a set of reasonable arguments in favor of Article 9 (2024) are first presented. I would like to highlight bullet point 3 as one reason why donor identity is so important:

“Access to medical history and birth heritage information is important to the physical and mental well-being of donor-conceived children and those children should be able to directly seek information from their donor(s) as adults;”

Medical history does not stop at the time of donation. A donor conceived adult would, through successful communication, have access from their identifiable donor to medical information from at least the past 18 years. Personally, one of my children has a potential heart issue, but if our anonymous donor was in Hawai’i, under Article 9 (2017/2019), we would not be able to reach out to the donor even at age 18 to find out updated heart condition information.

On page 10, a series of failed arguments in support of the outdated Article 9 (2017/2019) are presented. I, as a minority Task Force member, challenged that set of arguments.

Their final arguments lack merit, relevance and even a sense of taking this issue seriously. In fact, you will notice first off that their set of arguments never once considers the donor conceived child. Furthermore, their claims either send a mixed message, are unrelated to this bill or actually hurt their own set of contentions and support instead Article 9 (2024). I will review each argument.

- The first bullet point states:

“Article 9 (2024) would constitute *unwarranted governmental intrusion* into the reproductive freedom of Hawai’i’s intended parents who consider using donor gametes by attempting to regulate/restrict gamete selection and imply standards for permissible/impermissible gamete use.”

I take government intrusion seriously, but this argument is an extreme over-reach. As per the timeline above, the standards related to who is allowed to donate is a part of the process that happens often before the Intended Parents consider selection of donated gametes. Real unwarranted governmental intrusion on reproductive freedom could include for example, if the State actually selects the donor gametes on behalf of the Intended Parents.

As an analogy, the State requires a fertility doctor to go through a process to be licensed in the State of Hawai’i before they can practice. Because Intended Parents must use such doctors, this would be equivalent to stating that the State is imposing unwarranted government intrusion into their reproductive freedom because Intended Parents can only use fertility doctors already licensed in Hawai’i. Their argument does not make sense.

Ironically, as I have already indicated, there would in fact be unwarranted governmental intrusion, but under the outdated Article 9 (2017/2019) that they support, since an anonymous donor conceived child's right to obtain identifying information about themselves would be legally denied to them. This is unacceptable.

- The second bullet point states:

“Article 9 (2024) would codify unequal treatment of infertile, LGBTQ+, and single intended parents by imposing a legal precondition to conception when using donor gametes is considered (i.e., access to genetic father's identifying information) not imposed on fertile, heterosexual couples (noting that anonymous sexual encounters, family schisms, language barriers, illiteracy, destruction/loss of records, and other factors can also prevent access to information regarding genetic parents);”

As a member of the LGBTQ+ community, I take unequal treatment seriously. As a former board member of Equality Hawai'i during the prime of the marriage equality movement, I also take seriously when accusations of LGBTQ+ discrimination are thrown around carelessly, disrespectfully and without merit, as is the case here.

As such, it is unclear from their argument what the unequal treatment is. Their oft repeated defense presented during Task Force meetings was to equate donor conceived children born to LGBTQ+ parents through a lengthy ART process to children born from one-night stands because, if children from one-night stands don't necessarily know who their father is, then why should a child born by means of a donor have that right? The sole testimony presented to the Task Force claiming discrimination completely failed at presenting a logical argument (see my rebuttal in our Task Force meeting of August 9, 2024.)

A true example of anti-LGBTQ+ discrimination is the lack of a requirement for Hawai'i health insurance plans to cover same sex couples pursuing ART. This contributed not only to our increased costs, but to my husband and myself going out of State to pursue parenthood.

To be clear, Article 9 (2024) does not impose a legal precondition to conception, it provides for a commitment to identifiability by screened applicants before they make a donation.

Assuming the Task Force majority's concern for unequal treatment is sincere, if anything, there is unequal treatment in exactly the opposite direction of what they believe. Under the outdated Article 9 (2017/2019), if LGBTQ+ Intended Parents predominately choose anonymous donors, then they too, will have children like mine who will face a difficult, if not impossible, situation in trying to identify a genetic parent, which is unequal treatment compared to Intended Parents with the means to choose identifiable donors.

- The third bullet point states:

“Article 9 (2024) risks imposing additional practical and financial obstacles to parenthood on infertile, LGBTQ+, and single intended parents who consider using donor gametes (many having already experienced years of infertility, miscarriages, invasive/painful procedures, expense, social stigma, and more), including a possible reduction in the donor pool (creating shortages, waitlists, and reduced diversity) and possible cost-prohibitive increases in gamete prices if only identifiable gametes are permissible;”

While these are all legitimate hypotheses, there were no studies or documentation presented to the Task Force which proved that any of these risks would or would not happen so this argument has no validity in this Final Report.

But let’s just suppose that there does continue to be a price difference. This results in two tiers of donor conceived children: those with parents who choose anonymous donors because they are unable to pay more for an identifiable donor due to cost, lack a clear understanding of the difference, or other reason, and those that can identify their donor.

Having one price point will level the playing field and remove such obstacles.

- The fourth bullet point states:

“Adoption of Article 9 (2024) could be premature and *may have limited legal effect, given the current lack of "gamete bank[s] or fertility clinic[s] licensed in the [State of Hawai‘i]"* that collect and distribute anonymous donor gametes.”

This seems to me to contradict the first bullet point. Due to this lack of clarity, during our Task Force meeting of October 25, 2024, I asked how they could offer such competing arguments. Their response was, “It is not intended to make sense to someone who does not share that point of view,” and “Those were both considerations of the Task Force.”

I don’t know why an argument would not be intended to make sense, unless it is meant to mislead or gaslight the reader. Also, a conversation alone does not render a topic compelling or deserving to be considered a legal argument.

- Their fifth bullet point states:

“The rigorous donor screening process, extensive donor information provided to intended parents by gamete banks, and the availability of commercial genetic testing, collectively, go a long way towards *mitigating* the impact of donor "anonymity";”

Do the number of pages of non-identifying donor information available at the time of donation override the desire or right of a person to know their identity? Does connecting to donor siblings through DNA testing override the desire or right of a person to know their donor’s identity? Whether a donor recipient has 6 or 86 pages, whether they have

connected to donor siblings, whatever information is available outside of this bill is irrelevant.

Furthermore, a donor conceived adult at age 18 may have no interest at that time in obtaining their donor's identification, but that desire may change over time. Finally, the availability of genetic testing does not give the State the right to withhold and deny a right.

Moreover, this argument is disingenuous and actually serves against their position because, if there is indeed sincere concern to 'mitigate' the impact of donor anonymity, they would have voted in favor of Article 9 (2024).

- The last bullet point states:

“Practical limitations undermine the effectiveness of the mandatory disclosure, upon the donor-conceived person's request for donor-identifying information under Article 9 (2024), because it does not compel donor engagement or communication with the donor-conceived person, so positive outcomes rely on voluntary donor cooperation under either version of Article 9.”

As an analogy, I will pose the question – does the State have an interest, once it has issued a Marriage License, in the relationship between the married couple 18 years after marriage? Their argument is immaterial and has nothing to do with this bill.

Ultimately, there is not one single argument presented in favor of Article 9 (2017/2019) that is compelling, well thought out or worthy of consideration.

Concluding Thoughts

It would be unwarranted government intrusion should the State of Hawai'i codify into law that not all donor conceived children would have the opportunity to learn their identity upon reaching age 18.

Donor conceived children are human beings who should be the ones to have the opportunity to choose whether to request information about their identity upon adulthood.

Even a child raised in a 'well adjusted' family deserves this opportunity. If SB1231 passes with the outdated Article 9 (2017/2019), this will effectively legislate an entire generation of anonymous donor conceived children out of the ability to legally determine who their genetic parents are.

On behalf of Hawai'i's future children, the most current version of Article 9 (2024) should replace the outdated Article 9 (2017/2019) that is currently in Part X of SB1231. Excluding Article 9 entirely would be the same as sanctioning unwarranted government intrusion and would also result in unequal treatment of donor conceived children.

ATTACHMENT 1
Article 9 (2024)

[ARTICLE] 9

INFORMATION ABOUT DONOR

Comment

Article 9 is a new addition to the UPA. The content of this article was not included in UPA (2002). The content of new Article 9 is premised on a Washington State provision. Wash. Rev. Code § 26.26.750. A revision to Article 9 was approved in December 2023.

SECTION 901. DEFINITIONS. In this [article]:

(1) “Identifying information” means:

(A) the full name of a donor;

(B) the date of birth of the donor; and

(C) the permanent and, if different, current address, telephone number, and

electronic mail address of the donor at the time of the donation.

(2) “Medical history” means information regarding any:

(A) present illness of a donor;

(B) past illness of the donor; and

(C) social, genetic, and family history pertaining to the health of the donor.

SECTION 902. APPLICABILITY. This [article] applies only to gametes collected on or after [the effective date of this [act]].

SECTION 903. COLLECTION OF INFORMATION.

(a) A gamete bank or fertility clinic licensed in this state shall collect from a donor the donor's identifying information and medical history at the time of the donation.

(b) A gamete bank or fertility clinic licensed in this state which receives gametes of a donor collected by another gamete bank or fertility clinic shall collect the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

(c) A gamete bank or fertility clinic licensed in this state shall disclose the information collected under subsections (a) and (b) as provided under Section 905.

SECTION 904. (RESERVED).

SECTION 905. DISCLOSURE OF IDENTIFYING INFORMATION AND MEDICAL HISTORY.

(a) On request of a child conceived by assisted reproduction who attains 18 years of age, a gamete bank or fertility clinic licensed in this state which collected the gametes used in the assisted reproduction shall provide the child with identifying information of the donor who provided the gametes.

(b) Regardless whether a child has made a request under Section 905(a), on request of a child conceived by assisted reproduction who attains 18 years of age, or, if the child is a minor, of a parent or guardian of the child, a gamete bank or fertility clinic licensed in this state which collected the gametes used in the assisted reproduction shall provide the child or, if the child is a minor, the parent or guardian of the child, access to nonidentifying medical history of the donor.

(c) On request of a child conceived by assisted reproduction who attains 18 years of age, or, if the child is a minor, of a parent or guardian of the child, a gamete bank or fertility clinic licensed in this state which received the gametes used in the assisted reproduction from another gamete bank or fertility clinic shall disclose to the child or, if the child is a minor, the parent or guardian of the child, the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

SECTION 906. RECORDKEEPING.

(a) A gamete bank or fertility clinic licensed in this state which collects gametes for use in assisted reproduction shall maintain identifying information and medical history about each gamete donor. The gamete bank or fertility clinic shall maintain records of gamete screening and testing and comply with reporting requirements, in accordance with federal law and applicable law of this state other than this [act].

(b) A gamete bank or fertility clinic licensed in this state that receives gametes from another gamete bank or fertility clinic shall maintain the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

C. Birth Heritage

A common feature of assisted reproductive technology (ART) is the use of donated gametes (ova and sperm) when intended parents' gametes are unavailable or not recommended for use in ART procedures (e.g., intrauterine insemination or in vitro fertilization). Current Hawai'i law, however, provides no guidance regarding the use of donor gametes, the legal status of donors, or the collection and possible disclosure of information relating to gamete donors. The legal status of donors and the availability of donor information to donor-conceived persons has become an increasingly important area of discussion. This area also continues to be in flux, as evidenced by the promulgation of a new UPA article regulating the handling of donor information during the task force's tenure.

The task force's discussion on this topic focused on competing versions of an article in the UPA that regulates donor information—Article 9. The first version of Article 9 (Article 9 (2017)) was promulgated in 2017 and is currently adopted in California and Washington. The second version, which is substantially similar to the Article 9 (2017) (Article 9 (2019)), is currently adopted in Rhode Island and Connecticut. The most recent version (Article 9 (2024)) was promulgated in 2024 and has not yet been adopted by any state. All iterations of Article 9 require that gamete banks and fertility clinics "licensed in the state" collect and preserve donors' "identifying information" (i.e., name, date of birth, and address) and "medical history" (i.e., present illness, past illness, and social, genetic, and family history pertaining to the health of the donor) at the time of donation. Article 9 (2024) differs substantially, however, from Article 9 (2019) and Article 9 (2017) in the applicable disclosure requirements:

- Article 9 (2017) and Article 9 (2019) require that gamete banks and fertility clinics "licensed in the state" obtain a declaration from each donor stating whether the donor agrees or does not agree to the disclosure of his/her/their identity to the donor-conceived person upon reaching age eighteen. If the declaration states that the donor does not agree to disclosure, his/her/their identifying information may be released only upon withdrawal of the declaration (with the bank/clinic required to make a good faith effort to contact the donor to offer the opportunity to withdraw the declaration). Regardless of the content of the donor declaration, however, upon the request of the adult donor-conceived person (or the legal parents of a minor donor-conceived person), the bank/clinic is required to make a good faith effort to provide the adult donor-conceived person (or the legal parents of the minor donor-conceived person) with access to the non-identifying medical history of the donor.
- Article 9 (2024) does not provide for a declaration from donors regarding their agreement to disclose their identity to the donor-conceived child. Instead, gamete banks and fertility clinics are directed to collect donor identifying information and medical history at the time of donation, Appx. C, section 903(a), and "[o]n request of a child conceived by assisted reproduction who attains 18 years of age, a gamete bank or fertility clinic . . . which collected the gametes used in the assisted reproduction shall provide the child with identifying information of the donor who provided the gametes." Appx. C, section 905(a).

Additionally, gamete banks and fertility clinics are to provide the child conceived by assisted reproduction who attains 18 years of age, "or, if the child is a minor, the parent or guardian of the child, access to nonidentifying medical history of the donor" upon request. Appx. C, Section 905(b).

The primary difference between these iterations of Article 9, therefore, is that Article 9 (2017) and Article 9 (2019) do not mandate disclosure of donor-identifying information and would therefore preserve the option for the banking and use of anonymous donor gametes in the State of Hawai'i; whereas Article 9 (2024) mandates disclosure of donor-identifying information upon the request of the adult donor-conceived person, and would therefore effectively prohibit the banking and use of anonymous donor gametes by banks/clinics in the State of Hawai'i.

There was clear consensus within the task force with regard to the requirement that a non-identifying medical history be released to the adult donor-conceived person (or the legal parents of a minor donor-conceived person) upon request. With respect to the disclosure of donor-identifying information, however, the task force contended with competing interests and policy considerations:⁷

(1) Arguments in Favor of Article 9 (2024):

- It is the current version adopted by the ULC, after its own investigation and deliberation on release of donor information;
- The donor-conceived person lacks the ability, at their birth, to provide informed consent about their donor's anonymity, and thus it balances the interests of the donor-conceived person by allowing them to seek donor information as an adult;
- Access to medical history and birth heritage information is important to the physical and mental well-being of donor-conceived children and those children should be able to directly seek information from their donor(s) as adults;
- Genetic parent and genetic family heritage, health, and medical information can be vital to the diagnosis and treatment of medical conditions in donor-conceived children and adults;
- The similar concerns of adult adoptees and donor-conceived adults suggest that, upon turning 18, donor-conceived adults should be granted the same access to birth heritage information as is guaranteed to adult adoptees under Hawai'i law;
- Cultural trends are moving away from anonymity in both adoption and donor conception and toward greater transparency and information sharing. Some gamete banks have announced plans to stop offering anonymous donor gametes.

⁷ A more detailed exposition of each position can be found in the Birth Heritage PIG reports and the oral/written public testimony submitted to the task force at <https://ag.hawaii.gov/act-156-task-force-on-parentage-laws/>.

- As a practical matter, donor "anonymity" is largely a fallacy, due to the availability of commercial genetic testing, donor sibling registries, and other available databases;
- Informal methods of deriving birth heritage information (including commercial genetic testing and sibling registries) are not always accurate or complete. Planned disclosure of gamete donors' identity allows the sharing of more accurate information.

(2) Arguments in Favor of Article 9 (2017) and (2019):

- Article 9 (2024) would constitute unwarranted governmental intrusion into the reproductive freedom of Hawaii's intended parents who consider using donor gametes by attempting to regulate/restrict gamete selection and imply standards for permissible/impermissible gamete use. In the process, it would regulate donor anonymity in a way that is not mirrored for known physical harms (like genetic defects, chromosomal abnormalities, and hereditary disabilities) and recognized situational risks (like family violence, neglect, and substance abuse);
- Article 9 (2024) would codify unequal treatment of infertile, LGBTQ+, and single intended parents by imposing a legal precondition to conception when using donor gametes is considered (i.e., access to genetic father's identifying information) not imposed on fertile, heterosexual couples (noting that anonymous sexual encounters, family schisms, language barriers, illiteracy, destruction/loss of records, and other factors can also prevent access to information regarding genetic parents);
- Article 9 (2024) risks imposing additional practical and financial obstacles to parenthood on infertile, LGBTQ+, and single intended parents who consider using donor gametes (many having already experienced years of infertility, miscarriages, invasive/painful procedures, expense, social stigma, and more), including a possible reduction in the donor pool (creating shortages, waitlists, and reduced diversity) and possible cost-prohibitive increases in gamete prices if only identifiable gametes are permissible;
- Adoption of Article 9 (2024) could be premature and may have limited legal effect, given the current lack of "gamete bank[s] or fertility clinic[s] licensed in the [State of Hawai'i]" that collect and distribute anonymous donor gametes.⁸ That being the case, Hawai'i should wait and observe the actual impact of Article 9 (2024) in other states, rather than adopting it here based on assumptions about its likely impact;

⁸ Per Dr. John Frattarelli, a Hawai'i reproductive endocrinologist, Founder, Medical, Practice and Laboratory Director for the Fertility Institute of Hawaii, a member of the American Society for Reproductive Medicine, and the designated health care professional member of the task force.

- The rigorous donor screening process, extensive donor information provided to intended parents by gamete banks, and the availability of commercial genetic testing, collectively, go a long way towards mitigating the impact of donor "anonymity"; and
- Practical limitations undermine the effectiveness of the mandatory disclosure, upon the donor-conceived person's request for donor-identifying information under Article 9 (2024), because it does not compel donor engagement or communication with the donor-conceived person, so positive outcomes rely on voluntary donor cooperation under either version of Article 9.

This issue was discussed at length in several task force meetings. The task force ultimately voted, ten-to-two, to recommend the adoption of the disclosure of donor identifying information policies of Article 9 (2017) and (2019). Thus, the proposed new chapter includes Article 9 (2019) (see part X). The goal of adopting Article 9 (2019) is to improve Hawai'i law by (1) ensuring the collection and preservation of gamete donors' identifying information, and (2) requiring the release of donors' non-identifying medical history upon the request of adult donor-conceived persons or the legal parents of minor donor-conceived persons, without unreasonably intruding on the private procreative decision-making of Hawaii's intended parents who consider donor gametes or subjecting infertile, LGBTQ+, and single intended parents to inequitable treatment or further burdening their path to parenthood. However, a copy of Article 9 (2024) is also included as Appendix C for the legislature's consideration.

SB-1231

Submitted on: 2/10/2025 9:22:12 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Tiffany Yamauchi	Individual	Oppose	Remotely Via Zoom

Comments:

I would like to express my opposition to specifically Part X of SB1231, which is taken from an old version of the Uniform Parentage Act (2017) and which would allow anyone donating sperm, egg or embryo gametes to do so anonymously. In place of Part X, I support inclusion of Article 9 of the current version of the Act, which was updated in 2024 and from which donor anonymity has been removed.

I ask for this change to SB1231 because I believe that the concept and practice of donor anonymity harms the children born of gamete donations, the parents of those children, and the people who choose to donate.

I was raised in a Japanese and Okinawan family, and from the time I was a child, I was regularly questioned by people outside my family about what my ethnicity was. My answer was always met with surprise and, at times, disbelief. So many people assumed I was hapa. Whenever someone questioned why I looked the way I looked, I would double down, insisting it was because of my Okinawan eyes, but inside I didn't know why I looked that way either. So, when I found at age 34 that I was conceived by anonymous sperm donation, I immediately took a DNA test. I discovered that I'm also White and Korean.

It was such a relief. A relief to finally have some understanding of what I see in the mirror everyday. To have some understanding of why I'm the tallest woman in my family. To know that I'm mixed race and not an Asian person who looks *wrong*. It was a relief, but I also felt grief for all the years I spent feeling confused and insecure about my features, and for the toll that it took on my mental health. And now I am left trying to figure out how to embrace and honor my Korean heritage. A culture which I know very little about beyond Squid Games and kimchi.

Donor anonymity deprives donor conceived people, like myself, of the right to know not only their genetic heritage and relatives, but, potentially, their own race, ethnicity and culture.

It also deprives recipient parents of the ability to ensure such information will be available for their child. In the 80's, my parents didn't have a choice. An anonymous donor was the only option at their clinic, but I would hope that if they were going through the process in 2025, they would be supported in making a different choice.

And while it may seem counterintuitive, I also believe the inclusion of donor anonymity in SB1231 is harmful to donors. The idea of donor anonymity implies a false promise to donors, as true anonymity in the age of commercial DNA testing cannot be guaranteed. Some donor conceived people will never identify their anonymous genetic parent, even through DNA testing. I was able to identify mine eight days after receiving my test results, through research alone (not sending messages), and with my closest DNA match being a second cousin whose profile only included their initials. There is no current or future guarantee of donor anonymity, and allowing donors to declare restrictions on the release of their information encourages people to contribute their sperm, eggs or embryos without fully considering the potential impact of being known to the people they are helping to create.

To me, the practice of donor anonymity speaks to a very old culture of shame. Shame in giving away gametes, shame in needing to receive someone else's gametes and, by extension, for donor conceived people, shame in our very conception.

There's a reason this section of the Uniform Parentage Act was updated last year, removing donor anonymity. In fact, there's many. So, please, kokua, if we're going to update our legislation, let's make the most current update. Let's remove the shame from assisted reproduction. Let's celebrate transparency, and let's give Hawaii the ability to protect our future parents, keiki, and donors who are making the monumental decision to help grow someone's ohana.

February 10th, 2025,

Subject: This letter is in **Support of SB 1231** – Updating Hawai‘i’s Parentage Laws

Dear Senators,

I strongly support SB1231, Repealing the outdated uniform Parentage Act of 1973, modernizing Hawai‘i’s laws to recognize the validity and strength of families in the modern day.

SB1231 is critical as it:

- Ensures equal treatment for all children. Same-gender couples should have the same legal protection and parentage recognition as those born to heterosexual couples.
- Recognizes functional parents: acknowledges the critical role of individuals who have served as a child’s parent, safeguarding the best interests of the child.
- Provides clear legal guidelines for surrogacy. SB1231 offers clarity and legal certainty for intended parents, surrogates, and the children born through these arrangements.

Outdated laws fail to protect Hawai‘i’s residents. Parents who are not in the stereotypical archaic standard family structure are marginalized and face legal uncertainties that can lead to distressing and devastating legal challenges in securing their parental rights.

Legal modernization is necessary to ensure non-biological parents are recognized in their full parental intent and responsibilities. This bill also clarifies and delineates the birth certificate and parental rights to children born via artificial reproductive technologies and surrogacy.

Hawai‘i has long been a leader in inclusivity and equality. By passing SB 1231, the state of Hawai‘i will continue its commitment in protecting all Hawai‘i families and ensuring that every child is prioritized.

I urge you to support this critical legislation to bring Hawai‘i’s parentage laws into alignment with both modern medical advancements and current day family structures. Thank you for your leadership and commitment to advancing equality and legal security for all families in our state.

Thank you for taking the time to consider this critical issue.

Emily J. Goulet MD FACOG



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SB-1231

Submitted on: 2/7/2025 2:49:00 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Golojuch	Individual	Support	Written Testimony Only

Comments:

It beyond time to update our parenting laws for our State. I hearty support this bill.

SB-1231

Submitted on: 2/7/2025 3:48:58 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl burghardt	Individual	Support	Written Testimony Only

Comments:

Aloha,

I SUPPORT SB 1231 which repeals the Uniform Parentage Act of 1973 and updates laws relating to parentage, including enacting portions of the Uniform Parentage Act of 2017.

There have been so many changes and updates to this act since 1973 and it is important to continue to do so especially looking at the definition of a parent which we have learned through the years has many faces.

Mahalo

C. Burghardt

Kou, Oahu

SB-1231

Submitted on: 2/8/2025 11:16:33 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Meghan	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and esteemed Members of the Committee,

My name is Meghan Walles, in strong support of Senate Bill 1231, which modernizes Hawai'i's parentage laws by incorporating provisions from the Uniform Parentage Act of 2017. This bill is necessary and long-overdue step ensuring equity, clarity, and legal security for all families in Hawai'i.

This bill would protect all families, including same gender parents to have access to parental rights same as heterosexual parents. Currently, it is presumptive paternity; two consenting parents, regardless of gender or sexual identity is in alignment with Hawai'i's values of family and taking care of some of our most vulnerable and sacred, children. This bill would eliminate the documentation of parentage exclusively based on gender or biology.

This bill recognizes functional parents. Relating to this--parents taking on the financial, legal, ethical, and safe guard responsibilities of a child is paramount. LGBTQ+ people have paid exorbitant amounts of money in order to gain access to recognition over children they have intentionally curated, celebrated the growth and development in utero, birthing, and all of the joys of living to have relationships end and then a person who was recognized as their parent, from inception throughout their childhood, and a child can be taken from them, unless they can afford the legal battle to try and find legs under de facto custodian which does not always guarantee having the child back in their lives. This is beyond unethical not just for the parents--yet more importantly these children. We pride our Hawai'i community about what is best for the children. There is nothing but supportive data for children having access to their parents, which is why our family courts are pro parents first, as it is best for the child. These legal loopholes are mentally, physically, spiritually, and financially deteriorative to our islands. This bill will end this loophole and support our children and families. Hawai'i has the book "Ordinary 'Ohana" by Lee Catalluna and Cheyne Gallarde that is read to our young children regularly in our schools, that speaks to the beauty of our islands and how we embrace family. Hawai'i, family has always been more than just blood.

Passing SB1231 would provide clarity in the law--many families struggle with fertility. With technology comes options for many, including surrogacy and assisted reproduction; which this bill establishes transparent, standardized procedures for determining parentage, including genetic testing guidelines, voluntary acknowledgements, and court adjudications. This clarity benefits

parents, children, and the legal system by reducing conflicts, ensuring fair rulings, and preventing costly disputes.

I respectfully urge this committee to pass SB1231 and affirm Hawai'i's commitment to family equity and child protection.

Thank you for your time and consideration.

Respectfully,

Meghan Walles

Makawao, Maui

SB-1231

Submitted on: 2/9/2025 7:49:50 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and JDC Committee,

As public health professional, I support SB1231, which would reduce barriers to the parentage process for families in Hawai'i.

With thanks,

Thaddeus Pham (he/him)

Makiki, HI

SB-1231

Submitted on: 2/9/2025 1:26:12 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Kayla Marie	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure

SB-1231

Submitted on: 2/9/2025 10:09:10 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Pollak	Individual	Support	Written Testimony Only

Comments:

Subject: Written Testimony in Support of SB1231

Dear council members,

I am writing to express my strong support for SB1231, which seeks to ensure equal rights for all parents, including LGBTQ+ couples. As a member of the Hawaii community, I believe it is essential that our laws reflect the diverse realities of modern families.

Hawaii families are increasingly diverse and extend beyond the traditional framework of male/female birth parents. Our children deserve to be raised in loving, supportive homes, regardless of the sexual orientation or gender identity of their parents. Every child has the right to thrive in an environment where they are loved and accepted, and legal recognition of all family structures is crucial to achieving this.

Research shows that children raised in LGBTQ+ families fare just as well as those raised in heterosexual families in terms of emotional, social, and educational outcomes. It is vital that we provide equal protections and rights to all parents to foster an inclusive society where every child can flourish.

Passing SB1231 will not only affirm the rights of LGBTQ+ parents but also strengthen the fabric of our communities by recognizing and celebrating all families. It sends a powerful message that every family is valid and deserving of respect and equal treatment.

Thank you for considering my testimony. I urge you to support SB1231 and help create a more equitable future for all families in Hawaii.

Sincerely,
Lisa Pollak

Wailua, Kauai

SB-1231

Submitted on: 2/9/2025 5:33:40 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Joyce McBeth	Individual	Oppose	Written Testimony Only

Comments:

Dear committee members,

My name is Joyce, and my husband and I are recipient parents to a double donor conceived child. That means that in order to conceive our child through IVF, we required donors to contribute their gametes. One of our donors was a young woman who donated through a fertility clinic in Hawai'i. We are based in Canada, and when I heard about the legislation I felt moved to share our story in the hope that you will consider how changes to policy around donor anonymity is of great concern to recipient parents and donor conceived people around the world.

Our donor is a gifted and hard-working young woman who donated her eggs at a clinic in Hawai'i about 3 years ago. She chose the option to be open to contact from donor conceived offspring at 18, rather than anonymous donation. It was important to us, as we chose our donors, to pick people who would be open to contact from our child someday. This is to preserve our child's options to obtain medical information from the donor, and potentially to have the option of knowing genetic family at some point in the future if our donor is open to that.

We would never have selected a donor who was not open to contact with our child in the future; we believe it is ethically wrong to knowingly keep our child from their genetic family and medical history.

As I mentioned, we are located in Canada. As you surely know, sperm and egg donations made in Hawai'i are not just used by recipients in Hawai'i, or even the US - they are often shipped to hopeful parents overseas. Thus, your proposed policy changes would impact families like mine around the world who have their children with the aid of gamete donors from Hawai'i.

Curiosity driven genetic testing through companies such as Ancestry and 23andMe has become so common among people in North America that it is virtually impossible for someone to guarantee anonymity. Stating that it is possible to be anonymous is setting up donors for unrealistic expectations about the ability to remain anonymous.

Another troubling consideration is the history of fertility clinics that have made it as difficult as possible for donor conceived people to make contact at 18 years old with their genetic parents. Many recipient parents and donor conceived people have reported that clinics have made false claims about losing records, about records being destroyed, and about donor contact information being outdated. Within my own family, we have already had uncertainty about communication

between one of our clinics and the donor— it is unclear whether they have shared critical health information from one of the parents in our sibling group to the donor, the donor's children, and other families who used that donor, despite the parent's urgent and explicit request that the information be passed along for everyone's well-being. This is sadly not a unique experience, I have heard countless stories like mine from other parents and donor conceived people. Banks are playing God with health information rather than enabling donors, recipient parents, and donor conceived people to have free flowing information about their own health and medical decisions. I am concerned because this legislation will empower fertility clinics to continue to act in ways that make it difficult for donor conceived people to make contact with genetic family once they reach 18 years old, and that it will also enable clinics to behave without accountability with respect to sharing critical health information.

I hope that your policy changes will help to support rights for donors, donor conceived people, and recipient parents. I hope you will help to strengthen relationships between people by providing opportunities for connection instead of creating more obstacles for everyone involved. I hope that your policy changes will also provide fertility clinics with structures that enhance their accountability, both in terms of protecting relationships between donors and donor conceived people, and protecting donors who are putting their health in the clinics' hands. I hope you consider amending SB1231 to require identity disclosure to donor conceived adults or remove Part 10.

Thank you for your consideration.

-Joyce

SB-1231

Submitted on: 2/9/2025 7:45:06 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Doreen Akamine	Individual	Oppose	Written Testimony Only

Comments:

Please remove Part 10 which contains the outdated 2019 language related to disclosure of donor identity.

As parents of adopted children, the information of their birth parents is absolutely critical. This "unknown" information affects them physically, psychologically and emotionally. Knowing ones biological heritage is a fundamental longing for every human being. We seem to provide better donor information for horses and dogs!

Hearing: Tuesday, February 11, 2025

RE: Strong Support for Senate Bill 1231

Aloha Chair Rhoads, Vice Chair Gabbard, and committee members,

I am writing in strong support of Senate Bill 1231, which seeks to modernize Hawai'i's parentage laws by repealing the outdated Uniform Parentage Act of 1973 and adopting vital provisions from the Uniform Parentage Act of 2017. This bill is a crucial step forward in ensuring that all families in Hawai'i, particularly LGBTQIA+ individuals and couples, are treated equally under the law, with the same rights and protections when it comes to parentage.

Hawai'i has long been a leader in promoting diversity and inclusion, and it is essential that our laws reflect these values. The current parentage laws fail to recognize the needs of modern families, especially LGBTQIA+ families who utilize assisted reproductive technology, such as surrogacy, to build their families. SB 1231 addresses this gap, ensuring that all parents, regardless of gender, sexual orientation, or how they conceive their children, are treated fairly and equitably.

The specific provisions in SB 1231 that I support include:

- **Recognition of Legal Parentage for Non-Biological Parents:** SB 1231 will grant legal recognition to non-biological parents in LGBTQIA+ families without requiring invasive, costly, and unnecessary legal procedures. This change will provide clarity and ease for LGBTQIA+ individuals and couples, allowing them to fully participate in their children's lives without unnecessary legal obstacles.
- **Clear and Consistent Standards for Parentage Determinations:** This bill will help establish clear and consistent standards for determining parentage, reducing legal confusion and barriers for LGBTQIA+ families, and ensuring equal treatment under the law.
- **Legal Protections for Surrogacy Arrangements:** SB 1231 will ensure that individuals and couples utilizing surrogacy to grow their families have the legal protections they need. The bill will allow intended parents to secure legal parentage before their child is born, preventing potentially harmful and costly legal battles over parental rights.

Furthermore, SB 1231 will help affirm that all children—regardless of their method of conception—are entitled to the same legal rights, protections, and security of parentage. LGBTQIA+ families face significant challenges when attempting to establish parentage under current laws. Many are forced into lengthy and expensive adoption proceedings to secure legal recognition as parents, even when they have been committed, loving parents from the very beginning. This bill will eliminate those barriers and ensure equal legal recognition for all families, regardless of their structure.

The passage of SB 1231 will bring Hawai'i's laws in line with best practices across the nation, reflecting our state's commitment to equality, inclusion, and justice for families of all kinds. I urge

this committee to advance this important legislation and stand in support of all families in Hawai'i.

Thank you for your consideration.

Kathleen O'Dell, PhD

SB-1231

Submitted on: 2/9/2025 9:42:16 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Harry Akamine	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill as it fails to guarantee that an individual conceived via these methods will have access to their medical history or racial ancestry. It could possibly deny someone with Hawaiian blood from being able to attend Kamehameha School (as they won't have proof of their Hawaiian heritage).

SB-1231

Submitted on: 2/10/2025 3:11:13 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Maaza Christos Mekuria	Individual	Oppose	Written Testimony Only

Comments:

Very sad to see the merchangising of the womb, and the destruction of embryos that are now truly life enfused by God the creator. This experimentation cheapens our very existence and makes each person an industrial product instead of "Created in the Image and Likeness of God". What a sad and hypocritical statements in this propsoed law "The Child was Born." when infact the Legislature does not protect this child before being bon! Is this how we confuse ourselves that one inside the womb is a person and not a person at the same time in different contexts! Statements in the body of this law, such as "This State thereby submits to the jurisdiction of the courts of this State as to an action brought under this chapter with respect to a child who may have been conceived by that act of intercourse or assisted reproductive technology, regardless of where the child is born", while at the same time the legislature is actively denying the child in the womb is a person worthy of protection under the law. A baby in the womb is a baby only if it is "wanted" or "Planned" . Why remain in "Agnostic" state while there is sufficient truth on the life present at conception? I also humbly ask that the Legislature as a whole watch the "Unplanned" movie to see what typically happens in the abortion providers (such "Planned Parenthood" clinics) inner rooms. By our action of self dehumanization in these and other related laws and actions (such as funding chemical abortions), we show that we really hate ourselves and make the ancient people of Noah's time and Abraham and Lot's time and many of those cultures who worshipped Moloch by sacrificing their children for success and fortune to be much more kinder and saner than us. Willing to be free of the consequences of our actions by injustice and unrighteousness has already poluted this sacred land trust passed by the faith of the Fathers and Mothers of this land, and has never truly made us free. Freedom is never achived by violence and Abortion is truly the highest violence and "In-Vitro fertilization" furthers notion that the human beings are commodities manufactured at a facility without the loving family of "A Father and A Mother" that can be used as objects and tools to be discarded at will. The bones of our forebearers cry out against our elicit legislations and dereliction of duty. May God have mercy on us!

SB-1231

Submitted on: 2/10/2025 5:03:17 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
J. Takane	Individual	Oppose	Written Testimony Only

Comments:

February 7, 2025

TO: Senator Karl Rhoads and Senate Judiciary Committee Members

FR: Jan Takane

RE: SB1231 - Uniform Law on Parentage

I testified before regarding this bill a year ago and frankly have the same concerns about it as before.

The idea that those who are conceived via assisted reproductive technology will face the very same challenges that I as an adopted person faced my entire life because no one advocated for my right to my own health, genetic and genealogical information as a human being is anathema to me. Changing the birth certificates just for convenience sake when research clearly indicates not having knowledge and access will needlessly affect them in ways that can be lifelong is just wrong. What is that saying? “When you know better, then do better.” We know there are many diseases and conditions that are genetic. Having that kind of knowledge can be incredibly helpful in preventing them. And it’s human to want to know where we come from and why we are here.

The Uniform Law Commission recently updated their Uniform Law on Parentage (USDCC.ORG, January 3, 2024) regarding the disclosure of donor identity to allow the adult donor conceived person to request their identity in order to obtain birth heritage and current family medical history. I’m not sure why the Task Force did not include this considering the whole point of this bill is to make it align with the Uniform Law. It reads as follows:

"The [Uniform Law Commission](#) (ULC) has amended Article 9 of the [Uniform Parentage Act](#) (UPA), which will now require gamete banks to provide a donor’s identifying information to a resulting adult donor conceived person upon request.

The amended language removes former Section 904, which permitted gamete donors to “opt out” of the disclosure of their identifying information. Section 901, which defines “identifying information,” will now include the donor’s telephone number and email address. Finally, Section 905, regarding the disclosure of identifying information and medical history, will provide as follows:

(a) On request of a child conceived by assisted reproduction who attains 18 years of age, a gamete bank or fertility clinic licensed in this state which collected the gametes used in the assisted reproduction shall provide the child with identifying information of the donor who provided gametes.

(b) Regardless whether a child has made a request under Section 905 (a), on request of a child conceived by assisted reproduction who attains 18 years of age, or, if the child is a minor, of a parent or guardian of the child, a gamete bank or fertility clinic licensed in this state which collected the gametes used in the assisted reproduction shall provide the child or, if the child is a minor, the parent or guardian of the child, access to nonidentifying medical history of the donor.

(c) On request of a child conceived by assisted reproduction who attains 18 years of age, or, if the child is a minor, of a parent or guardian of the child, a gamete bank or fertility clinic licensed in this state which received the gametes used in the assisted reproduction from another gamete bank or fertility clinic shall disclose to the child or, if the child is a minor, the parent or guardian of the child, the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

<https://www.usdcc.org/2024/01/03/uniform-law-commission-amends-the-uniform-parentage-act-to-require-disclosure-of-donor-identifying-information-upon-request/>

I must oppose the current bill because it does not serve in the best interest of donor conceived individuals. Allowing donors or even those that are parenting them to make critical life decisions even as these children become adults is not in their best interests. Having this information for the parents and the children will help protect their access to information about the donor that is needed.

I would respectfully ask this committee to support the inclusion of the 2024 Uniform Law Commission amendment allowing donor-conceived persons, at age 18, access to their donor information, including birth heritage and family medical history.

Thank you for your consideration.

Aloha and mahalo,

Jan Takane



Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

My name is Carole LieberWilkins and I have been a Marriage and Family Therapist in the world of infertility and reproductive medicine since 1986. I am the author of *Let's Talk About Egg Donation: Real Stories from Real People*, as well as multiple articles about family building, which can be found on my website. I was among a cohort of professionals who were among the first to advocate for the end of secrecy in donor conception as early as the 1980s. In other words, I've seen many sociological changes in our field, which have ultimately led to this time in history when society and the medical and legal world are forced to look at best practices for the benefit of the people we are helping to create.

I am also the mother of a 38-year-old son who was adopted at birth in an open adoption, with ongoing contact with his first family; and I am the mom to a 37-year-old who is one of the first people in the world conceived through egg donation. Although my son's genetic parent was not known to me at the time I received her eggs, we have been privileged to have had a relationship with her for the last 30 years. There have been numerous times we have had to reach out to her about her and her family's medical history to address a potentially heritable issue that arose in my son. I was and am committed to the fact that both of my sons deserved to know everything knowable about their origins and the people to whom they are genetically related. Why should the son we adopted know more about himself than his brother, simply because it was donor conception and not adoption?

Until recently, the needs and desires of patients, recipient parents, were considered paramount and little attention was paid to the psychological needs of the children those patients would raise. What has changed is direct to consumer DNA tests, as well as the guidance of a generation of donor conceived individuals who benefitted from our advocacy, having been told the truth of their donor conception. It is those individuals who have lent their voices to advocate for change.

People who were donor conceived are now telling us what we already know about human nature. It is normal and natural to be curious about one's genetic relatives and heritage. Have you tested on Ancestry or 23 and Me? Even if you haven't, it is highly likely that one of your relatives have. Two in 10 Americans (21%) say they've taken a mail-in DNA test, and 27% say a close family member has done so. That is approximately 70 million Americans. 70 million Americans have spit into a tube and sent it off for testing! And the majority of those individuals are doing so just for fun—they are looking for what part of Asia their ancestors emigrated from or whatever happened to the child their cousin relinquished for adoption years ago? Every single day I receive calls from men and women who just discovered they were donor conceived and their lives will never be the same; they long for information; they question the identity they'd always thought defined them. Every week I get calls from people who had been sperm or egg donors years ago and they are now being contacted by the individuals conceived with their genetics. The shock and trauma of these events could be avoided if our system changed to meet all of their needs. It is normal and healthy to be curious about who we are and imperative to forming a healthy genetic identity.

It is foolhardy for this Body to think that it is correct to deprive legal adults of information about the people who helped to create them, to deprive them of vital medical history which in so many cases, can be lifesaving. Hawaii will be on the wrong side of history if it cements into law restrictions that do not allow individuals with the right to know vital

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information about who they are. Please don't make a mistake that will cause so much suffering now and in years to come. When we know better, we should do better.

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SB-1231

Submitted on: 2/10/2025 7:56:10 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrea Makuanani	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the committee,

I am writing in strong support of SB1231, the Uniform Parentage Act. This bill will protect all ‘ohana, including but not limited to LGBTQIA+/MVPFAFF family members; those who utilize assisted reproduction technology and surrogacy; and functional parents who provide emotional, financial and physical support for minors, but who currently lack legal parental rights. It will also strengthen keiki welfare protections.

My wife and I are in the midst of planning for our own family and hope that our family will receive the same protections afforded to all other parents with children.

Please support SB1231! Mahalo for the opportunity to testify,

Andrea Makuanani

Makakilo, Hawaii

2025 J.D. Candidate at William S. Richardson School of Law

SB-1231

Submitted on: 2/10/2025 8:10:16 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Kawamura	Individual	Support	Written Testimony Only

Comments:

As a local voter and ordained Christian minister, I am writing to express my support of SB 1231. Equal rights for all parents are fundamental to the wellbeing of our keiki and community.

SB-1231

Submitted on: 2/10/2025 8:49:31 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Celine Chang	Individual	Support	Written Testimony Only

Comments:

I am writing to express my strong support for revisiting and updating the Uniform Parentage Act (UPA). As our society continues to evolve, so too must the legal frameworks that govern family structures and parent-child relationships. The UPA, originally designed to ensure clear and fair guidelines for determining parentage, must now be modernized to reflect the diverse realities of today's families.

Our understanding of family has changed significantly, and the laws surrounding parentage should keep pace with these changes. Families come in all shapes and sizes, including those formed through assisted reproductive technologies, surrogacy, adoption, and other non-traditional methods. The current version of the UPA may not fully address the unique circumstances these families face, leaving gaps in legal protections and creating unnecessary barriers for families to access the rights and recognition they deserve.

Updating the Uniform Parentage Act would help ensure that all children, regardless of their family structure, are treated with dignity and equality under the law. Clear guidelines are necessary to establish who is legally recognized as a parent, so that children can have access to important rights, such as inheritance, medical decision-making, and parental support. Additionally, updating the UPA will provide legal certainty for parents, ensuring they can fully participate in the lives of their children without fear of legal challenges or complications.

As we look to revise the UPA, it is crucial that we prioritize the rights of children, the intent of parents, and the diverse ways families are created. This includes recognizing the roles of same-sex parents, single parents, non-biological parents, and those who play active, loving roles in a child's life even if they do not have a biological connection.

Furthermore, we must ensure that any revisions to the UPA reflect advancements in reproductive technology, including the use of sperm and egg donation, surrogacy, and co-parenting agreements. Modernizing the UPA will help eliminate outdated legal hurdles and provide greater clarity and protection for all families, whether traditional or non-traditional.

I believe that updating the Uniform Parentage Act will create a more equitable, just, and inclusive legal framework that benefits children, parents, and society as a whole. I strongly urge the committee to take action to revisit and modernize this important law.

Thank you for your time and consideration.

Mahalo,

Celine

THE SENATE
THE THIRTY-THIRD LEGISLATURE

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

NOTICE OF HEARING
DATE: Tuesday, February 11, 2025
TIME: 9:30 AM
PLACE: Conference Room 016 & Videoconference
State Capitol
415 South Beretania Street

TESTIMONY IN SUPPORT OF S.B. 1231
Adopting Portions of the Uniform Parentage Act of 2017

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

Thank you for the opportunity to submit testimony in strong support of S.B. 1231, which adopts portions of the Uniform Parentage Act of 2017 to update the State's parentage laws. My name is Nicholas Vandenraadt, and I am a Registered Nurse who has cared for families in diverse healthcare settings across Hawai'i.

From my professional experience, I see firsthand how many different types of family structures come through our doors, each deserving the same legal protections and recognition. By aligning Hawai'i's statutes with the modern realities of parenthood, S.B. 1231 ensures that children born to same-gender couples, those formed through surrogacy or assisted reproductive technology, and other families outside traditional definitions are all afforded the legal security they need and deserve.

This proposed legislation not only clarifies and streamlines the legal process of establishing parentage but also safeguards families against those who may seek to challenge or "dismantle" them simply because they do not conform to outdated ideas of family dynamics. With these amendments, all parents—biological, functional, adoptive, or otherwise—can provide stable, supportive homes for the children they love without fear of legal uncertainty.

Mahalo for hearing this measure and for your commitment to inclusive legal protections for our diverse community. I respectfully urge you to pass S.B. 1231 and uphold the rights of Hawai'i's families.

Sincerely,

Nicholas Vandenraadt, RN

LATE

SB-1231

Submitted on: 2/10/2025 12:03:58 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sean Taylor	Individual	Support	Written Testimony Only

Comments:

I write in strong support. This bill addresses needs of LGBTQ+ families and is long overdue.

Among other things, it helps families that need the help of gestational surrogates to have kids. The current law is old and doesn't address this situation. My husband and I have had 2 kids (now 8 and 4) with gestational surrogates in Hawaii. Both are biologically related to one of us and not the surrogate. However, when they were born, the surrogate was viewed as the mother and, in one case, the surrogate's husband was presumed to be the father. This doesn't serve any real purpose. It took months and multiple court proceedings to establish our legal parental status and change the birth certificates. The process was lengthy, expensive, not aligned with the expectations of the parties, and not in the best interest of the children. This bill sets standards for surrogacy agreements and permits parties to validated surrogacy agreements to seek pre-birth parentage orders, i.e. orders establishing IPs as parents at birth. This is a common sense solution, adopted in many states, that removes uncertainty and eliminates unnecessary costs for parents.

Thank you for your consideration. I will be available at the hearing if you have any questions.

Sean Taylor

LATE

SB-1231

Submitted on: 2/10/2025 1:49:58 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Erin Iwalani Castillo	Individual	Oppose	Written Testimony Only

Comments:

I am an adopted person, Hawaiian, mother, and Licensed Clinical Social Worker in the state of Hawaii.

Our genetic information is important. This bill is skewed because it wants to hide and deny access to donor conceived individuals.

In January 2024 updated their Uniform Law on Parentage, to allow an adult conceived through a donor, to have access to their genetic history.

Unfortunately the Task Force attached to this bill, chose to go back in time to 2019 to retain the language denying Adults conceived through a donor, access to through their history.

If the committee cannot support the 2024 ULC amendment, I am requesting Part 10 of this bill be removed in its entirety since it contains the outdated language from 2019.

mahalo for your attention for making this situation pono.

LATE

SB-1231

Submitted on: 2/10/2025 2:46:42 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

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

Comments:

Absolutely unnecessary bill. I STRONGLY OPPOSE.

LATE

SB-1231

Submitted on: 2/10/2025 3:05:24 PM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Richard S Velasquez	Individual	Support	Written Testimony Only

Comments:

please support this bill, this has been in the works for years and has direct impact on families,
Please help strengthen hawaii families

LATE

SB-1231

Submitted on: 2/11/2025 12:26:43 AM

Testimony for JDC on 2/11/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Allison Shiozaki	Individual	Support	Written Testimony Only

Comments:

Aloha mai kākou,

My name is Allison Shiozaki. I write to you today in solidarity with the LGBTQIA+ community to support parents and voice my support for SB 1231. Honoring and protecting all members of our community are necessary, especially our ‘ohana which are under attack right now.

Mahalo nui for your time,

Best,

Allison Shiozaki