

A Bill for an Act Relating to Paternity Proceedings.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 579-1, Hawaii Revised Statutes, is hereby amended to read as follows:

“Sec. 579-1 Petition against alleged father; time limit; preliminary examination. Any unmarried woman or any married woman who was separated from and was not living with her husband prior to and at the time her child was conceived, when her pregnancy can be determined by competent medical evidence, or within two years after the delivery of her child, may petition the judge of the family court of the circuit in which she or the alleged father of the child resides, or in which she was delivered of the child, for an adjudication of paternity and for other relief under this chapter against the person whom she alleges is the father of the child.

The petition may also be filed by either of the parents or a guardian of the mother, or by any person as the next friend of the child, or by any public officer or employee concerned with the welfare of the child, within two years after the date of the child’s birth. If, after the petition has been filed either by the mother or by any one as above specified, the mother dies or refuses or neglects to prosecute the same, any of such persons may prosecute the case to final judgment for the benefit of the parent, guardian, or the child, or any public or private agency supporting or contributing to the support of the child.

The fact that a child is born dead or dies at a later date prior to the filing of a petition as above provided, or during the pendency of the proceedings, shall not operate as a bar to the issuance of process and the entry of a judgment under this chapter.”

SECTION 2. Section 579-2, Hawaii Revised Statutes, is hereby amended to read as follows:

“Sec. 579-2 Issuance of process; warrant, when; preliminary hearing; bond; jury trial, when. Upon the filing of a petition pursuant to section 579-1, process shall issue in the form of a summons and an order directed to the defendant requiring him to appear and to show cause why the prayer of the petition should not be granted.

If, at any stage of the proceedings, there appears probable cause to believe that the defendant will evade the service of process, or will fail to appear in response thereto, or will flee the jurisdiction of the court, the judge may issue a warrant directed to the sheriff, his deputy, or any police officer within the circuit, requiring the accused to be arrested and brought for preliminary hearing before the judge of the family court. Upon such preliminary hearing, or at any time subsequent to the preliminary examination of the petitioner, the judge may require the defendant to enter into bond with good sureties to the State in a sum to be fixed by the judge for his appearance and the trial of the proceeding in the family court. If the defendant fails to give the bond required of him, the judge may forthwith commit him to the custody of the chief of police of the

county, there to remain until he enters into the required bond or otherwise is discharged by due process of law.

In all proceedings under this chapter, the defendant shall, upon his written demand therefor, filed at the time of his appearance or within such time thereafter as the judge may allow, and if he appears at the time set for the trial, be entitled to a trial by jury; otherwise the trial shall be by the judge. No such trial shall take place prior to the birth of the child involved.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes may exclude the brackets, the bracketed material, or the underscoring.*

SECTION 4. This Act shall take effect upon its approval.
(Approved May 26, 1970.)

* Edited accordingly