

A Bill for an Act Relating to Names.

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

SECTION 1. Section 574-5, Hawaii Revised Statutes, is amended to read:

**“§574-5 Change of name: procedure.** (a) It shall be unlawful to change any name adopted or conferred under this chapter, except:

- (1) Upon an order of the lieutenant governor; [or]
- (2) By a final order, decree, or judgment of family court issued as follows:

- (A) When in an adoption proceeding a change of name of the person to be adopted is requested and the court includes the change of name in the adoption decree; or
- (B) When in a divorce proceeding either party to the proceeding requests to resume the surname used by him or by her prior to the marriage or a surname declared and used during any prior marriage and the court includes the change of name in the divorce decree;

- (3) Upon marriage pursuant to section 574-1; or
- (4) Upon legitimation pursuant to section 338-21.

(b) The order of change of name by the lieutenant governor shall be founded upon a notarized petition. The petition shall be executed by the person desirous of making the change of name. In the case of a minor, the petition shall be executed:

- (1) By the parents;
- (2) By the parent who has custody of the minor with the notarized consent of the noncustodial parent; or
- (3) By the guardian of the person of the minor.

(c) The filing fee of \$5 shall accompany the petition when submitted.

(d) [The order of] A notice of change of name signed by the lieutenant governor shall be published once in a newspaper of general circulation in the State as mentioned in the order for change of name, and the petitioner within sixty days of the signing of the notice of change of name, shall deposit at the office of the lieutenant governor an affidavit executed by an officer of the newspaper publishing the [order] notice showing that the [order] notice has been published therein. The affidavit shall have attached to it a clipping showing the [order] notice as published. Failure to deposit the affidavit of publication as required shall void that petition for a change of name by that petitioner.

(e) When the petition is accompanied by an affidavit executed by a prosecuting attorney of this State, the affidavit shall show that for the protection

of the person desirous of making a change of name, the following actions shall not be necessary:

- (1) Publication in a newspaper of general circulation in the State;
- (2) Recordation in the bureau of conveyances; and
- (3) Reporting to the registrar of births.

The petition, affidavit, and order shall be kept confidential.”

SECTION 2. Section 574-6, Hawaii Revised Statutes, is amended to read:

“~~[ ]§574-6[ ]~~ **Effect of change.** The change of name provided for herein by order of the lieutenant governor shall be effective upon the date of [the signing of the order.] publication of the notice of change of name.

In all cases of change of name[,] by the lieutenant governor, except as otherwise provided[,] by law, the order [or decree] shall be recorded in the bureau of conveyances and reported to the registrar of births within sixty days after the signing of the order.

All changes of names made by decree of any governor, or by the president of the Republic of Hawaii, or by the president of the Provisional Government of Hawaii, or by any king or queen of the Hawaiian Islands, are ratified and confirmed.

The lieutenant governor shall adopt rules pursuant to chapter 91 necessary for the purposes of this chapter.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 4, 1984.)