

ACT 22

H.B. NO. 1642

A Bill for an Act Relating to the Family Courts.

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

SECTION 1. The purpose of this Act is to allow the family court to use school attendance records as prima facie evidence of a child's nonattendance at school or nonreceipt of educational services.

SECTION 2. Section 571-21, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

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“(d) In children’s cases, under section 571-11(1) and (2), the petition and all subsequent court documents shall be suitably entitled so as to indicate that the proceeding is in the interest of rather than against the child or minor involved. The petition shall be verified and statements may be made upon information and belief. It shall set forth plainly: (1) the facts which bring the child within the purview of this chapter; (2) the name, age, and residence of the child; (3) the names and residences of the child’s parents; and (4) the name and residence of the child’s legal guardian if there be one, of the person or persons having custody or control of the child, or of the nearest known relative if no parent or guardian can be found. If any of the facts required are not known by the petitioner the petition shall so state. In cases brought pursuant to section [571-11(2)(C),] 571-11(2)(A) and (C), a certified copy of the child’s school attendance records shall constitute prima facie evidence of the child’s nonattendance at school or nonreceipt of educational services. A certified copy is defined as a copy signed by the principal and educator of the child from whose class the child did not attend.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun prior to its effective date.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved April 20, 1994.)