

ACT 154

S.B. NO. 2699

A Bill for an Act Relating to the Establishment of Paternity.

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

SECTION 1. Chapter 584, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§584- Expedited process of paternity. (a) To expedite the establishment of paternity, each public and private birthing hospital or center shall provide unwed parents the opportunity to voluntarily acknowledge the paternity of a child during the period immediately prior to or following the child’s birth. The voluntary acknowledgment of paternity shall be in writing and shall consist of a single form signed under oath by both the natural mother and the natural father. Designated staff members of such facilities shall provide to both the mother and the alleged father, if he is present at the facility:

- (1) Written materials regarding paternity establishment;
- (2) Forms necessary to voluntarily acknowledge paternity;
- (3) A written description of the rights and responsibilities of acknowledging paternity; and
- (4) The opportunity to speak with staff who are trained to provide information and answer questions about paternity establishment.

The completed voluntary acknowledgement forms shall clearly identify the name and position of the staff member who provides information and answers questions of the parents regarding paternity establishment. The provision by designated staff members of the facility of the information required by this section shall not constitute the unauthorized practice of law. Each facility shall send to the department of health the original acknowledgment of paternity containing the Social Security numbers, if available, of both parents, with the information required by the department of health so that the birth certificate issued includes the name of the legal father of the child, which shall be promptly recorded by the department of health.

(b) The child support enforcement agency shall:

- (1) Provide to any person or facility the necessary:
 - (A) Materials and forms and a written description of the rights and responsibilities related to voluntary acknowledgment of paternity; and
 - (B) Training, guidance, and written instructions regarding voluntary acknowledgment of paternity;
- (2) Annually assess each facility’s paternity establishment program; and

- (3) Determine if a voluntary acknowledgment has been filed with the department of health whenever it receives an application for paternity establishment services.

(c) As used in this section:

“Agency” means the child support enforcement agency.

“Birthing center” means any facility outside a hospital that provides maternity services.

“Birthing hospital” means any hospital with licensed obstetric-care units, any hospital licensed to provide obstetric services, or any licensed birthing center associated with a hospital.

“Facility” means a birthing hospital or a birthing center.”

SECTION 2. Section 584-12, Hawaii Revised Statutes, is amended to read as follows:

“§584-12 Evidence relating to paternity. Evidence relating to paternity may include:

- (1) Evidence of sexual intercourse between the mother and the alleged father at any possible time of conception;
- (2) An expert’s opinion concerning the statistical probability of the alleged father’s paternity based upon the duration of the mother’s pregnancy;
- (3) Genetic test results, including blood test results, weighted in accordance with evidence, if available, of the statistical probability of the alleged father’s paternity;
- (4) Medical or anthropological evidence relating to the alleged father’s paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; [and]

(5) A voluntary, written acknowledgment of paternity that shall create a rebuttable presumption of paternity; and

[(5)] (6) All other evidence relevant to the issue of paternity of the child.”

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

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

(Approved June 12, 1996.)