

ACT 301

S.B. NO. 932

A Bill for an Act Relating to Government.

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

SECTION 1. The legislature finds that government contracts, programs, and services should not unintentionally overlook the role of fathers in their involvement in their children's health, welfare, and education. Government should encourage and promote the involvement of both parents in the family through its programs.

While the positive influences of mothers on their children is well-known, research also supports the important role fathers have in creating positive relationships with their children. For example:

- (1) Paternal involvement is important especially for very young children, since early childhood contributes to the development of emotional security, curiosity, and math and verbal skills;
- (2) Higher levels of paternal involvement in activities of their children, such as eating meals together, going on outings, and helping with homework, are associated with fewer behavioral problems, higher levels of sociability, and higher school performance, including adolescents;
- (3) Paternal involvement in children's schooling, such as volunteering at school and attending school meetings, parent-teacher conferences, and class events, is associated with higher grades, greater school enjoyment, and lower chances of suspension or expulsion;
- (4) Father-child relationship affects daughters as well as sons, since girls who live with both parents do better academically and are less likely to engage in early sexual involvement and in alcohol and drug use; and
- (5) Although negative peer influence is the major reason kids use drugs, research suggests that positive family influence is the main reason kids do not use drugs, with boys and girls having reduced risk of drug and alcohol use if their fathers are involved in their lives.

The legislature further finds that while government cannot make good parents, it can support efforts to help parents become the best mothers and fathers they can be.

ACT 301

The purpose of this Act is to help prevent the inadvertent neglect of fathers' involvement in their children's lives by asking all state and county agencies to review their contracts, programs, and services to ensure that fathers are included, where possible, in their children's lives. The intent is not to eliminate programs that grant benefits to mothers, such as maternity leave, or to interfere with family court operations. Rather, the goal is to make the state and county executive agencies aware of the possibility that their actions may provide a preference for mothers over fathers in circumstances where such a preference is not warranted.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new section to be appropriately designated and to read as follows:

“§ - **Parental preferences.** (a) The purpose of this section is to help to eliminate any preference in a state or county executive agency contract, program, or service that favors one parent over the other in terms of child-rearing; provided that nothing in this section is intended to affect maternity benefits. This section shall not serve as a legal basis to invalidate any state or county contract, program, or service.

(b) All state and county executive agencies with contracts, programs, and services that affect parental roles in children's health, welfare, and education shall review those contracts, programs, and services, in the sole discretion of the agency, and determine whether a preference exists that favors one parent over another in the raising of their children. If a determination in the sole discretion of the agency is made that a preference exists, it shall direct its staff to analyze the preference and determine whether it unfairly precludes a parent from participating in child-rearing. If so, the state or county agency shall seek to eliminate that preference by encouraging modifications to ensure the inclusion of both parents in all contracts, programs, and services designed to assist in the raising of children; provided that this provision shall in no instance be interpreted to reduce or negatively impact maternity leave benefits or require any changes in personnel programs or work force policies.

(c) This section shall not apply to a preference that:

- (1) The state or county agency determines to be in the best interest of the child;
- (2) Would impose an unreasonable burden on the State or a county by removing a preference from existing contracts, programs, or services; or
- (3) Conflicts with existing collective bargaining contracts.”

SECTION 3. This Act shall not be applied so as to impair any contract existing as of the effective date of this Act in a manner violative of either the Hawaii Constitution or Article I, section 10, of the United States Constitution.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval, except that section 2 of this Act shall take effect on July 1, 2002.

(Approved June 28, 2001.)

Note

1. Edited pursuant to HRS §23G-16.5.