

ACT 225

S.B. NO. 723

A Bill for an Act Relating to the Uniform Parentage Act.

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-~~ Court filings; minutes of proceedings; posting requirement. The judiciary shall post on its website the titles of all court filings and the minutes of court proceedings in cases brought under this chapter; provided that the judiciary shall redact information that has been made confidential by any statute, rule of court, or court order; provided further that, on request of a party

and for good cause, the court may close a proceeding and records to the public except that the titles of all court filings for the case and the contents of a final order shall be available for public inspection, with other papers and records available for public inspection only with the consent of the parties or by court order.”

SECTION 2. Section 571-84, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The court shall maintain records of all cases brought before it. Except as provided in ~~[section]~~ sections 571-84.6[.] and 584- , in proceedings under section 571-11 and in paternity proceedings under chapter 584, the following records shall be withheld from public inspection: the court docket, petitions, complaints, motions, and other papers filed in any case; transcripts of testimony taken by the court; and findings, judgments, orders, decrees, and other papers other than social records filed in proceedings before the court. The records other than social records shall be open to inspection: by the parties and their attorneys, by an institution or agency to which custody of a minor has been transferred, and by an individual who has been appointed guardian; with consent of the judge, by persons having a legitimate interest in the proceedings from the standpoint of the welfare of the minor; and, pursuant to order of the court or the rules of court, by persons conducting pertinent research studies, and by persons, institutions, and agencies having a legitimate interest in the protection, welfare, treatment, or disposition of the minor.”

SECTION 3. Section 584-20, Hawaii Revised Statutes, is amended to read as follows:

“§584-20 Hearings and records; confidentiality. (a) Notwithstanding any other law concerning public hearings and records, any hearing or trial held under this chapter shall be held in closed court without admittance of any person other than those persons necessary to the action or proceeding. All papers and records pertaining to the action or proceeding, whether part of the permanent record of the court or of a file in the department of health or elsewhere, shall be subject to inspection only upon consent of the court and all interested persons, or in exceptional cases only upon an order of the court for good cause shown.

(b) Upon paternity being established, the confidentiality requirement shall not extend to the judgment and all subsequently filed documents that are used in good faith for support and medical expenses, insurance, or enforcement purposes, except that the confidentiality requirement shall continue to apply to any references to a non-adjudicated alleged or presumed father.

(c) Subsections (a) and (b) shall not apply to cases filed on and after the effective date of this Act .¹ Session Laws of Hawaii 2019.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 6. This Act shall take effect on January 1, 2021.

(Approved July 2, 2019.)

Notes

1. Act 225.

2. Edited pursuant to HRS §23G-16.5.