

## ACT 187

H.B. NO. 1058

A Bill for an Act Relating to Adoption.

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

SECTION 1. The legislature finds that the effect of adoption as provided for under state law impacts the ability for an adopted individual or the individual's natural family to succeed to a homestead lease or application on the department of Hawaiian home lands applicant waiting list.

The purpose of this Act is to allow an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent while also allowing the adopted individual and member of the individual's natural family to continue to have the same familial relationship. This Act does not affect other requirements under the Hawaiian Homes Commission Act, 1920, as amended, or administrative rules beyond recognition of relationship between individuals. This Act does not create any further exception to the complete termination of a natural parent's rights.

SECTION 2. Section 578-16, Hawaii Revised Statutes, is amended to read as follows:

**“§578-16 Effect of adoption.** (a) A legally adopted individual shall be considered to be a natural child of the whole blood of the adopting parent or parents as provided in the Uniform Probate Code, relating to the descent of property.

(b) The former legal parent or parents of an adopted individual and any other former legal kindred shall not be considered to be related to the individual as provided in the Uniform Probate Code except as provided in this section.

(c) An adopted individual and the individual's adopting parent or parents shall sustain [~~towards~~] toward each other the legal relationship of parents and child and shall have all the rights and be subject to all the duties of that

relationship, including the rights of inheritance from and through each other and the legal kindred of the adoptive parent or parents, the same as if the individual were the natural child of the adopting parent or parents.

(d) Except as provided in subsection (e), all legal duties and rights between the individual and the individual's former legal parent or parents shall cease from the time of the adoption; provided that, if the individual is adopted by ~~[a person]~~ an individual married to a legal parent of the individual, the full reciprocal rights and duties ~~[which]~~ that theretofore existed between the legal parent and the individual, and the rights of inheritance as between the individual and the legal parent and the legal relatives of the parent, as provided in chapter 560, shall continue, notwithstanding the adoption, subject only to the rights acquired by and the duties imposed upon the adoptive parents by reason of the adoption.

(e) Notwithstanding subsections (b) and (d), if an individual is adopted before that individual attains the age of majority and the individual is adopted by:

- (1) ~~[The individual is adopted by a]~~ A spouse of a natural parent of the individual; or
- (2) ~~[The individual is adopted by a]~~ A natural grandparent, ~~[aunt, uncle,]~~ sibling of the individual's natural parent, or sibling of the individual or the spouse of a natural grandparent, ~~[aunt, uncle,]~~ sibling of the individual's natural parent, or sibling;

then for the purposes of interpretation or construction of a disposition in any will, trust, or other lifetime instrument, whether executed before or after the order of adoption, and for purposes of determining heirs at law, the rights of the adopted individual and the individual's descendants with respect to the individual's natural family shall not be affected by the adoption, and they shall be included in any determination of heirs or members of any class, unless specifically excluded by name or class.

(f) An adopted individual, who by reason of subsection (e) would be a member of two or more designations or classes pursuant to a single instrument, both by relationship through a natural parent and through an adoptive parent, shall be entitled to benefit by membership in only one of these designations or classes, which shall be the larger share.

(g) An adopted individual shall be considered as a child of both the adopted and natural parents for the sole purpose of determining familial relationships, including the conditions of leases and identification of successors to lessees under sections 208 and 209 of the Hawaiian Homes Commission Act, 1920, as amended.

~~[(g)]~~ (h) For purposes of this section, if ~~[a person]~~ an individual has been adopted more than once, the term "natural parent" includes an adopting parent by an earlier adoption.

~~[(h)]~~ (i) An individual legally adopted under the laws of any state or territory of the United States or under the laws of any nation shall be accorded the same rights and benefits in all respects as an individual adopted under this chapter."

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

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

(Approved July 3, 2023.)