

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. Box 3378  
Honolulu, HI 96801-3378  
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of SB1231 SD1  
RELATING TO PARENTAGE.**

REP. DAVID TARNAS, CHAIR  
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Hearing Date: March 13, 2025

Room Number: 329

1 **Department Testimony:** The Department of Health (DOH) supports SB1231 SD1 but defers to  
2 the Department of the Attorney General and the Judiciary regarding amendments.

3 In 2021, DOH led a working group that identified gaps and opportunities in the State's current  
4 parentage laws that included unfair and costly legal proceedings for families depending on same-  
5 sex or opposite-sex composition as well as how a child was conceived and by whom. In 2023, a  
6 subsequent working group was convened by the Department of the Attorney General to translate  
7 the first working group's findings into workable statute, the product of which is SB1231 SD1.

8 Working group members were passionate about their task, and even though there was not 100%  
9 consensus even on some major issues, all agreed that what could move forward would bring  
10 significant relief to many in Hawaii, and allow more and diverse ohana to thrive.

11 Thank you for the opportunity to testify.

12 **Proposed Amendments:** N/A.



## *The Judiciary, State of Hawai‘i*

### **Testimony to the Thirty-Third Legislature, 2025 Regular Session**

#### **House Committee on Judiciary & Hawaiian Affairs**

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Thursday, March 13, 2025 at 2:00pm  
State Capitol, Conference Room 325

by

Dyan M. Medeiros

Senior Judge, Family Court of the First Circuit

---

**Bill No. and Title:** Senate Bill No. 1231, SD1 Relating to Parentage.

**Purpose:** Repeals the Uniform Parentage Act of 1973 and updates laws relating to parentage, including enacting portions of the Uniform Parentage Act of 2017.

#### **Judiciary's Position:**

The Judiciary strongly supports Senate Bill No. 1231, SD1 that repeals the existing Uniform Parentage Act (UPA) and replaces it with the work product of the Act 156 Task Force. The Judiciary appreciates and supports the thoughtful amendments made to SB1231 SD1. This bill with the amendments will ensure the equal treatment of all keiki from both heterosexual and same-sex couples. It also includes surrogacy provisions to reflect the scientific developments in that area.

In 1975, Hawai‘i adopted the 1973 version of the draft UPA. In 2002, a draft UPA was created by the Uniform Laws Committee, but Hawai‘i did not adopt the 2002 version. Hawai‘i has made some amendments over the years to HRS Chapter 584, including the addition of an “expedited process of paternity” in 1996. In general, however, the statute has not kept up with the changes in the make-up of our families.

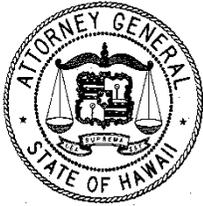


Senate Bill No. 1231, SD1, Relating to Parentage  
House Committee on Judiciary and Hawaiian Affairs  
Thursday, March 13, 2025 at 2:00pm  
Page 2

In 2023, Act 156 re-created the task force. The Act 156 task force was made up of the Department of the Attorney General, the Department of Health, Hawai`i State Commission on the Status of Women, Hawai`i State commission on Fatherhood, Family Court judge, family law attorney, medical professional in birthing center procedure, mental health professional with post-adoption experience, a person with knowledge of adoption related health and medical issues, and a person with knowledge of surrogacy. The Act 156 task force commenced its work in August 2023 and submitted its final report to the Legislature on or about December 9, 2024.

There have been many changes to science, society and the law that make many of the provisions in HRS Chapter 584 obsolete or completely lacking. The passage of Senate Bill No. 1231 SD1 has the potential of benefiting many members of our community and the Judiciary supports this measure.

Thank you for the opportunity to submit testimony on this bill.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

---

**ON THE FOLLOWING MEASURE:**

S.B. NO. 1231, S.D. 1, RELATING TO PARENTAGE.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**DATE:** Thursday, March 13, 2025      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Lauren K. Chun, Deputy Solicitor General

---

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) strongly supports this bill and offers the following comments and suggested amendments.

**Confidentiality of Records**

S.D. 1 of the bill proposes to “[c]larify[] that for records pertaining to proceedings to adjudicate parentage, birth records, and surrogacy agreements under the new chapter established by this measure, unless a court orders otherwise, a petition and any other document related to the record or agreement shall not be open to inspection by any individual other than the parties to the proceeding, a child conceived by assisted reproduction under the agreement, their attorneys, and the Department of Health, unless required by exigent circumstances.” Stand. Com. Rep. No. 881.

However, S.D. 1 replaces certain provisions that apply to *all* parentage cases, not just those involving surrogacy, and certain provisions that apply to the confidentiality of both court records *and* proceedings, with provisions that seemingly apply *only* to court records and *only* to cases involving surrogacy. For instance, new section

-508(a), Hawaii Revised Statutes (HRS) (S.D. 1, at page 39, lines 6-17), removes the requirement that hearings and trials be closed to the public, which was in the original draft of the bill (original draft at page 38, line 15, to page 39, line 10).

Furthermore, S.D. 1 adopts an “exigent circumstances” standard for determining when records may be open to inspection, replacing the customary “good cause”

standard. (Page 39, line 14; page 41, line 18; page 84, line 9; and page 91, line 3). The "exigent circumstances" threshold is more difficult to meet than the customary "good cause," potentially restricting a court's discretion for case-by-case determination.

For clarity, the Department recommends removing the amendments in S.D. 1 to section -508(a) (page 39, lines 6 to 17), section -510(c) (page 41, lines 11 to 21), section -910(a)(4) (page 83, line 20, to page 84, line 13), and section -914(b)(4) (page 90, line 14 to page 91, line 7), and adopting the provisions from the original draft of the bill instead.

If the Committee seeks to clarify that children conceived by assisted reproduction will have access to court records and proceedings or specify that individuals seeking to inspect a document may have to pay copying expenses, the Department recommends targeted amendments that do not disturb the remaining applicability of the confidentiality provisions. If the Committee seeks to adopt an "exigent circumstances" standard for unsealing records, then the Department suggests adding a definition of "exigent circumstances."

**Amendments Suggested by the Child Support Enforcement Agency**

The Department previously submitted testimony recommending that the third sentence of section -403(c) be amended as follows:

. . . . Birthing facility staff, midwives, child support enforcement agency staff, and department of health staff shall not be subject to civil, criminal, or administrative liability for a negligent act or omission relative to the accuracy of the information provided or for filing the declaration with the appropriate state or local agencies. . . .

This suggested wording was not included in S.D. 1. The Department respectfully requests that the suggested wording be included on page 25, lines 10 to 15.

The Department respectfully requests that this Committee pass this bill with the aforementioned amendments. Thank you for the opportunity to testify.



# Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer Plus Commission



*Advocating for the Hawai'i LGBTQIA+ Community*

Mailing Address: LGBTQ+ Commission, c/o The Department of Human Services,  
P.O. Box 339, Honolulu, Hawai'i 96809-0339

Email: [hawaiistateltgbtqpluscommission@gmail.com](mailto:hawaiistateltgbtqpluscommission@gmail.com)  
Web: <https://humanservices.hawaii.gov/lgbtq-commission/>

March 11, 2025

House's Committee on Judiciary & Hawaiian Affairs  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Hearing: Thursday, March 13, 2025

**RE: Strong Support for Senate Bill 1231 SD 1**

Aloha Chair Tarnas, Vice Chair Poepoe, and committee members,

I am writing in strong support of Senate Bill 1231 on behalf of the Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer Plus. (LGBTQ+) Commission, which was established by the 2022 Hawai'i State Legislature with the following purpose:

“...to improve the State's interface with members of the lesbian, gay, bisexual, transgender, queer, plus community; identify the short- and long-range needs of its members; and ensure that there is an effective means of researching, planning, and advocating for the equity of this population in all aspects of state government.”

The Hawai'i State LGBTQ+ Commission strongly supports Senate Bill 1231, which repeals the outdated Uniform Parentage Act of 1973 and modernizes Hawai'i's parentage laws by incorporating vital provisions from the Uniform Parentage Act of 2017. This bill represents a critical step forward in ensuring equal recognition and protection for all families in Hawai'i, particularly for LGBTQIA+ individuals and couples who rely on assisted reproductive technology, including surrogacy, to build their families.

Hawai'i has long stood as a beacon of diversity and inclusion, and our legal framework must reflect these values by ensuring that all parents—regardless of gender, sexual orientation, or the method by which they conceive their children—have equal rights and protections under the law. The current parentage laws are outdated and fail to account for the realities of modern family-building, particularly for LGBTQIA+ families who face unique legal challenges when establishing their parental rights.

SB 1231 makes necessary and long-overdue updates, including:

*Proudly established pursuant to Hawai'i Revised Statutes Chapter 369, as enacted through Act 41, Session Laws of Hawai'i 2022*



[/hawaiistateltgbtqpluscommission](https://www.facebook.com/hawaiistateltgbtqpluscommission)



[@hawaiistateltgbtqpluscommission](https://www.instagram.com/hawaiistateltgbtqpluscommission)



[@hawaiistateltgbtqpluscommission](https://twitter.com/hawaiistateltgbtqpluscommission)



[@HawaiiStateLGBTQPlusCommission](https://www.youtube.com/HawaiiStateLGBTQPlusCommission)

## HI State LGBTQ+ Commission Testimony in Strong Support of SB 1231 SD 1

- Recognizing the legal parentage of non-biological parents in LGBTQIA+ families without requiring costly, invasive, and unnecessary legal proceedings.
- Providing clear and consistent standards for parentage determinations, reducing uncertainty and legal barriers for LGBTQIA+ individuals and couples.
- Ensuring that individuals and couples utilizing surrogacy arrangements have legal protections, including the ability to secure parentage before the birth of their child, preventing harmful legal battles over parental rights.
- Affirming that all children, regardless of the circumstances of their conception, are entitled to the same legal rights, protections, and security of parentage.

LGBTQIA+ individuals and couples who use surrogacy to grow their families face significant legal hurdles in establishing parentage under existing laws. Many are forced to complete costly and time-consuming adoptions to secure legal recognition as parents—even when they are intended and loving parents from the moment of conception. SB 1231 will help eliminate these barriers and provide equal dignity and security to all families.

The passage of SB 1231 will bring Hawai'i in line with best practices nationwide and reinforce our state's commitment to equality, inclusion, and family justice. We urge this committee to advance this essential legislation and stand with the LGBTQIA+ community in affirming that all families—regardless of their structure—deserve legal recognition, security, and respect.

We respectfully urge you to pass SB 1231 SD 1 without delay.

Should you or any member of your staff have any questions regarding this testimony you can reach the Hawai'i State LGBTQ+ Commission at [hawaiistatelgbtqpluscommission@gmail.com](mailto:hawaiistatelgbtqpluscommission@gmail.com).

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr. (he/him)  
Vice Chair  
[Hawai'i State LGBTQ+ Commission](#)



Where LGBTQIA+ Rights Meet the Labor Movement  
A constituency group of the Hawai'i State AFL-CIO

March 11, 2025

House's Committee on Judiciary & Hawaiian Affairs  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

Hearing: Thursday, March 13, 2025 at 2:00 PM

RE: **STRONG SUPPORT for Senate Bill 1231 SD 1**

Aloha Chair Tarnas, Vice Chair Poepoe, and fellow committee members,

Pride at Work – Hawai'i is an official chapter of [Pride at Work](#) which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. We are an officially recognized constituency group of the AFL-CIO that organizes mutual support between the organized Labor Movement and the LGBTQIA+ Community to further social and economic justice.

Pride at Work - Hawai'i strongly supports Senate Bill 1231, which repeals the archaic Uniform Parentage Act of 1973 and modernizes Hawai'i's laws to reflect the diversity of families today. Updating our parentage laws is essential to ensuring that all families—especially LGBTQ+ parents and their children—are protected and recognized under state law.

For far too long, Hawai'i's parentage statutes have failed to provide equitable protections for LGBTQIA+ families. The current law, based on the 1973 Uniform Parentage Act, does not adequately address legal parentage for non-biological parents, leaving many LGBTQIA+ families vulnerable to legal uncertainty and discrimination. By enacting provisions from the 2017 Uniform Parentage Act, SB 1231 will ensure that parentage laws are inclusive of all families, regardless of gender identity, marital status, or biological connection.

This bill is critical for several reasons:

1. **Legal Recognition of All Parents** – SB 1231 ensures that children of LGBTQ+ parents have the same legal security as children of different-sex parents. This includes recognizing de facto parents, ensuring fair and consistent parental establishment, and protecting the rights of non-biological parents.
2. **Protection for Children** – Every child deserves legal ties to their parents, safeguarding their access to benefits, inheritance, and parental care. Modernizing our laws will provide stability and security for all children in Hawai'i.
3. **Fair and Inclusive Legal Standards** – Updating our parentage laws will ensure that courts apply consistent and fair standards for determining parentage, removing outdated and discriminatory barriers that disproportionately affect LGBTQ+ families.

SB 1231 is a necessary step toward justice and equality for all families in Hawai'i. We urge this committee to pass this bill and affirm the legal rights of all parents and children, regardless of how their families are formed.

Pride at Work – Hawai'i's Testimony is Strong Support of Senate Bill 1231 SD1

Thank you for the opportunity to testify in strong support of SB 1231 SD 1. We appreciate your leadership in advancing fairness and equality in our state.

In solidarity,

Michael Golojuch, Jr. (he/him)

President

[Pride at Work – Hawai'i](#)



March 11, 2025

Subject: This letter is in **SUPPORT of SB 1231** – Updating Hawaii’s Parentage Laws

Dear Chair Tarnas, Vice Chair Poepoe, Committee on Judiciary & Hawaiian Affairs Members:

As a clinic specializing in Reproductive Endocrinology and Infertility, the Fertility Institute of Hawaii **strongly supports SB1231**, which seeks to repeal the outdated **Uniform Parentage Act of 1973** and modernize Hawaii’s laws to reflect the realities of contemporary families, parenthood, and reproductive technologies.

Our clinic and field of medicine are dedicated to helping individuals and couples, regardless of gender, marital status, or sexual orientation, achieve their dreams of parenthood through assisted reproductive technology (ART). However, the current legal framework governing parentage in Hawaii is **outdated and inequitable**, failing to fully account for the diverse and evolving ways families are formed today.

In the past few decades, advancements have transformed reproductive medicine. Surrogacy, in vitro fertilization (IVF), embryo donation, and other assisted reproductive techniques have become common pathways to parenthood. At the same time, societal progress has redefined traditional notions of family, ensuring that children born to same-gender couples and through ART receive equal legal recognition and protection.

**SB 1231** represents a much-needed update by:

- **Ensuring Equal Treatment for All Children:** It guarantees that children born to same-gender couples are afforded the same legal protection and parental recognition as those born to heterosexual couples.
- **Recognizing Functional Parents:** It acknowledges the critical role of individuals who have functioned as a child's parent, safeguarding the child's best interests.
- **Providing Clear Legal Guidelines for Surrogacy:** With increasing numbers of families utilizing surrogacy, **SB 1231** offers clarity and legal certainty for intended parents, surrogates, and the children born through these arrangements.

We see firsthand the **devastating consequences of outdated laws** that fail to protect intended parents and their children. Many of my patients, whether they are same-gender couples, single parents, or individuals using surrogacy, face legal uncertainties that can lead to unnecessary emotional distress, financial burdens, and even legal challenges in securing their parental rights.

Without legal modernization:

- **Non-biological parents risk being denied legal recognition** despite their full parental intent and responsibilities.
- **Children born via ART and surrogacy face potential legal uncertainties**, including challenges in obtaining accurate birth certificates and parental rights protections.
- **Intended parents may experience unnecessary legal battles**, leading to distress and barriers in forming secure family units.

**SB1231 will ensure that all families in Hawaii, regardless of how they are formed, receive equal recognition and legal protection.** Hawaii has long been a leader in inclusivity and equality. By passing SB1231, the state will continue to uphold its commitment to protecting **all** families and ensuring that every child is treated fairly under the law.

As a reproductive specialty clinic, we urge you to **support this critical legislation** to align Hawaii's parentage laws with modern medical advancements and evolving family structures. Thank you for your leadership and commitment to advancing equality and legal security for all families in our state.

Thank you for taking the time to consider this critical issue.

Sincerely and Mahalo,



John L. Frattarelli, M.D., HCLD  
Founder, CEO, Laboratory, Practice, & Medical Director  
Fertility Institute of Hawaii &  
Advanced Reproductive Medicine & Gynecology of Hawaii, Inc.  
1585 Kapiolani Blvd, STE 1800, Honolulu, HI 96814  
[www.IVFcenterHawaii.com](http://www.IVFcenterHawaii.com)

**Blake K. Oshiro, Esq**  
**222 S. Vineyard Street, Ste 401**  
**Honolulu. HI. 96813**  
**Blake.Oshiro@808cch.com**

Representative David Tarnas, Chair  
Representative Mahina Poepoe, Vice-Chair  
House Judiciary and Hawaiian Affairs Committee Members

Re: **SENATE BILL (SB) 1231, SENATE DRAFT (SD) 1 RELATING TO PARENTAGE -  
SUPPORT**

Repeals the Uniform Parentage Act of 1973 and updates laws relating to parentage, including enacting portions of the Uniform Parentage Act of 2017. (SD1)

Dear Chair Tarnas, Vice-Chair Poepoe and Committee Members:

Thank you for the opportunity to testify in support of SB1231, SD1. I am a member of Hawaii's Commission to Promote Uniform Legislation (CPUL or Commission). The Commission's work is statutorily an "advisory capacity" to the Attorney General and the Hawaii State Legislature on "matters relating to the promotion of uniform legislation." Haw. Rev. Stat. (HRS) Section 26-7. As such, the CPUL here acts in collaboration with the Uniform Law Commission (ULC), during its deliberative work in coming up with the proposed uniform legislation.

The Uniform Parentage Act (UPA) was originally promulgated in 1973 and removed the legal status of illegitimacy and provided a series of presumptions used to determine a child's legal parentage. Although the UPA has been revised in 2002, and 2017, Hawaii only adopted the 1973 version in 1975 and has not substantially updated the laws with any of the UPA revisions.

SB1231, SD1 seeks to enact the 2017 UPA. This makes four major changes. First, it seeks to ensure equal treatment of children born to same-sex couples. UPA (2002) was written in gendered terms, and its provisions presumed that couples consist of one man and one woman. In *Obergefell v. Hodges* (2015), the United States Supreme Court held that laws barring marriage between two people of the same sex are unconstitutional. In *Pavan v. Smith* (2017), the Court reaffirmed that conclusion applies to rules regarding children born to same-sex spouses. After these decisions, parentage laws that treat same-sex couples differently than different-sex couples are likely unconstitutional. UPA (2017) updates the Act to address this potential constitutional infirmity by amending provisions so that they address and apply equally to same-sex couples. These amendments include broadening the presumption, acknowledgment, genetic testing, and assisted reproduction articles to make them gender-neutral. In addition to helping states comply with the Constitution, these updates provide clarity to these families and avoid unnecessary litigation.

Second, UPA (2017) includes a provision for the establishment of a de facto parent as a legal parent of a child. Most states recognize and extend at least some parental rights to people who have functioned as parents to children but who are unconnected to those children through either biology or marriage.

Third, UPA (2017) includes a provision that precludes establishment of a parent-child relationship by the perpetrator of a sexual assault that resulted in the conception of the child. The U.S. Congress adopted the Rape Survivor Child Custody Act in 2015, which provides incentives for states to enact “a law that allows the mother of any child that was conceived by rape to seek court-ordered termination of the parental rights of her rapist with regard to that child, which the court shall grant upon clear and convincing evidence of rape.”

Fourth, UPA (2017) updates the surrogacy provisions to reflect developments in that area, making them more consistent with current surrogacy practice and recently adopted statutes in several states.

Finally, SB1231 SD2 was amended to delete UPA (2017) Article 9. That particular Article was controversial and the subject of much debate. It addresses the right of children born through assisted reproductive technology to access medical and identifying information regarding any gamete providers. While Article 9 does not require disclosure of the identity of a gamete donor, it does require that donors be asked whether they would like their identity disclosed. It also requires a good faith effort to disclose nonidentifying medical history information regarding the gamete donor upon request. However, the Senate chose to take out these provisions. The CPUL is fine with those revisions and not including Article 9 and we would urge the House pass this bill in its current form and not include this language.

Thank you for considering this proposal. I am available if you have any questions.



# **North Shore Ko'olau Diversity Collective**

March 13, 2025

Committee on Judiciary & Hawaiian Affairs

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

As founder of the North Shore Ko'olau Diversity Collective and a member of several other community organizations dedicated to dignity, respect, equity, and inclusion for our LGBTQ+ Māhū communities, I strongly support SB1231 SD1.

Hawai'i's families are diverse, often extending beyond traditional, blood-related family structures. However, our current parentage laws fail to provide a legal framework that fully recognizes and protects them. As a result, many nontraditional families face unnecessary legal and financial barriers—sometimes even having to adopt their own children—just to secure basic protections. This burden causes emotional and mental distress and imposes undue financial hardship on families simply trying to care for their loved ones.

The Hawai'i Supreme Court has affirmed that a biological connection is not required to establish a presumption of parentage. It is time for our laws to reflect this understanding and embrace the rich diversity of Hawai'i's families, including Native Hawaiian concepts of 'ohana that extend beyond blood ties.

By passing SB1231 SD1, we can ensure legal protections for all, including Māhū and LGBTQ+ families; safeguard families formed through assisted reproduction and surrogacy; recognize functional parents—those who provide emotional, financial, and physical support for children but currently lack legal parental rights; and strengthen child welfare protections.

I urge you to support SB1231 SD1 and help build a more inclusive and equitable future for all Hawai'i families.

Mahalo for your consideration,

Joe Wilson  
Director

Iwia Place, Haleiwa, HI 96712



**Statement of Libby Snyder, Special Counsel to the Uniform Law Commission,  
to the House Committee on Judiciary & Hawaiian Affairs  
in Support of Senate Bill 1231 S.D. 1 – Relating to Parentage**

**Public Hearing of March 13, 2025**

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

Thank you for this opportunity to submit these comments on behalf of the Uniform Law Commission in support of Senate Bill No. 1231 S.D. 1 which enacts the Uniform Parentage Act (2017).

The Uniform Parentage Act, first promulgated in 1973, was updated by the ULC in 2002 to add provisions permitting a non-judicial acknowledgment of paternity procedure that is the equivalent of an adjudication of parentage in a court. The Uniform Parentage Act was updated again in 2017 to account for advancements in technology related to genetic testing and assisted reproduction and constitutional developments regarding marriage. Overall, the Uniform Parentage Act at large has been quite influential – laws in roughly half the states are based on variations of the Uniform Parentage Act. Hawaii adopted the Uniform Parentage Act (1973) in 1975.<sup>1</sup>

I urge adoption of S.B. No. 1231 S.D. 1 for the following reasons:

1. Adoption of this bill will provide Hawaii with **clear and comprehensive statutory provisions regarding assisted reproduction and surrogacy**. Over the last several decades, medical science has developed a wide array of assisted reproductive technology. Currently, Hawaii statutory law does not provide clear rules to determine parentage in a variety of situations that are common when using assisted reproductive technology. In addition, Hawaii has no statutes specifically permitting surrogacy agreements. This bill provides comprehensive statutory guidance that reflects the developments that have occurred in assisted reproduction and surrogacy practice over the last twenty years.
2. This bill **provides clarity for and reduces unnecessary litigation regarding children born to same-sex couples**. This bill uses gender-neutral terminology and provides needed clarity for children born to same-sex couples and their families.
3. This bill **cures potential constitutional infirmity in existing state law**. In *Obergefell*, the United States Supreme Court held that laws barring marriage between two people of the same sex are unconstitutional. After *Obergefell*, some state parentage laws that treat same-sex couples differently than different-sex

---

<sup>1</sup> Hawaii Revised Statutes §§ 584-1 to 584-26.

couples may be unconstitutional. By enacting this bill, Hawaii can make sure that state law does not run afoul of important constitutional protections.

4. This bill also **clarifies and codifies state law related to functional parentage**. Most states extend at least some parental rights to people who, while not legal parents, function as parents with the consent of the child's legal parent.<sup>2</sup> Some states recognize such people under a variety of equitable doctrines. Other states extend rights to such people through broad third-party custody and visitation statutes. This bill includes language that would codify state law related to functional parentage. This approach is consistent with the current trend and is consistent with a core purpose of the UPA (2017), which is to protect established parent child relationships. At the same time, however, this bill erects safeguards to ensure that these provisions do not result in unwarranted or unjustified litigation.
  
5. This bill is **consistent with the recommendations of the Department of the Attorney General's Task Force to Recommend Amendments to Existing Parentage Laws, as required by Act 156, Session Laws of Hawaii 2023**. The task force was asked to recommend amendments to update existing parentage laws and report its findings to the legislature. Ultimately, the task force recommended replacing Hawaii's current Uniform Parentage Act of 1973 with a new chapter incorporating portions of the Uniform Parentage Act (2017). This bill is consistent with the task force's work and would modernize parentage law in Hawaii.

This bill ensures that Hawaii parentage law recognizes, respects, and protects the diverse families that enrich this state. Thank you for allowing me to testify in support of Senate Bill 1231 S.D. 1.

Respectfully submitted,

Libby Snyder  
Special Counsel, Uniform Law Commission

---

<sup>2</sup> Courtney G. Joslin & Douglas NeJaime, How Parenthood Functions, 123 Columbia Law Review 319 (2023), [https://www.columbialawreview.org/wp-content/uploads/2023/03/Joslin-NeJaime-How\\_parenthood\\_functions.pdf](https://www.columbialawreview.org/wp-content/uploads/2023/03/Joslin-NeJaime-How_parenthood_functions.pdf).

March 12<sup>th</sup> 2025,

Subject: This letter is in **Support of SB 1231** – Updating Hawai‘i’s Parentage Laws

Dear Committee on Judiciary and Hawaiian Affairs,

I strongly support SB1231, Repealing the outdated uniform Parentage Act of 1973, modernizing Hawai‘i’s laws to recognize the validity and strength of families in the modern day.

SB1231 is critical as it:

- Ensures equal treatment for all children. Same-gender couples should have the same legal protection and parentage recognition as those born to heterosexual couples.
- Recognizes functional parents: acknowledges the critical role of individuals who have served as a child’s parent, safeguarding the best interests of the child.
- Provides clear legal guidelines for surrogacy. SB1231 offers clarity and legal certainty for intended parents, surrogates, and the children born through these arrangements.

Outdated laws fail to protect Hawai‘i’s residents. Parents who are not in the stereotypical archaic standard family structure are marginalized and face legal uncertainties that can lead to distressing and devastating legal challenges in securing their parental rights.

Legal modernization is necessary to ensure non-biological parents are recognized in their full parental intent and responsibilities. This bill also clarifies and delineates the birth certificate and parental rights to children born via artificial reproductive technologies and surrogacy.

Hawai‘i has long been a leader in inclusivity and equality. By passing SB 1231, the state of Hawai‘i will continue its commitment in protecting all Hawai‘i families and ensuring that every child is prioritized.

I urge you to support this critical legislation to bring Hawai‘i’s parentage laws into alignment with both modern medical advancements and current day family structures. Thank you for your leadership and commitment to advancing equality and legal security for all families in our state.

Thank you for taking the time to consider this critical issue.

Emily J. Goulet MD FACOG



Fertility Institute of Hawaii  
Advanced Reproductive Medicine & Gynecology of Hawaii, Inc.  
1585 Kapiolani Blvd, Suite 1800, Honolulu HI, 96814  
[www.IVFCenterHawaii.com](http://www.IVFCenterHawaii.com)



## TESTIMONY FROM THE STONEWALL CAUCUS OF THE DEMOCRATIC PARTY OF HAWAII

### COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

March 13, 2025

#### Testimony in Support of Senate Bill 1231 SD1, Relating to Parentage

**Aloha Chair Tarnas, Vice Chair Poepoe and esteemed Members of the Committee,**

My name is Abby Simmons, Chair of the Stonewall Caucus of the Democratic Party of Hawaii, in strong support of Senate Bill 1231 SD1, which modernizes Hawaii's parentage laws by incorporating provisions from the Uniform Parentage Act of 2017. This bill is a necessary and long-overdue step toward ensuring equity, clarity, and legal security for all families in our state.

#### **Why This Bill is Important**

##### 1. Protects All Families, Including LGBTQ+ Parents

Hawaii's current parentage laws do not fully reflect the diversity of today's families. SB1231SD1 ensures that children of same-gender couples have the same parental rights as children of heterosexual couples, eliminating outdated legal uncertainties that could deny parental rights based on gender or biology.

##### 2. Recognizes Functional Parents

This bill acknowledges that parenthood is more than biology. Many children are raised by individuals who provide for them emotionally, financially, and physically but lack legal recognition. By establishing functional parentage, this bill protects these vital parent-child relationships and prevents children from losing their caregivers due to legal loopholes.

##### 3. Addresses Advances in Assisted Reproduction & Surrogacy

With advancements in reproductive technology, families are increasingly turning to assisted reproduction, surrogacy, and gamete donation. SB1231 SD1 creates clear, legal pathways for intended parents while ensuring the rights and responsibilities of all parties involved are well-defined and legally recognized.

4. Provides Clarity and Legal Certainty

The bill establishes transparent, standardized procedures for determining parentage, including genetic testing guidelines, voluntary acknowledgments, and court adjudications. This clarity benefits parents, children, and the legal system by reducing conflicts, ensuring fair rulings, and preventing costly disputes.

5. Strengthens Child Welfare Protections

By modernizing parentage laws, this bill ensures that all children—regardless of the circumstances of their birth—are entitled to the same legal protections, inheritance rights, and child support benefits. No child should be left vulnerable due to outdated legal definitions of parenthood.

**In conclusion:**

SB1231 SD1 is a crucial step toward fairness and inclusivity in Hawaii's family law system. It ensures that our laws recognize and protect the diverse ways families are formed today, guaranteeing that all children and parents—regardless of gender, biology, or reproductive method—have equal legal rights and responsibilities.

We respectfully urge this committee to pass SB1231 SD1 and affirm Hawaii's commitment to family equality and child protection. Thank you for the opportunity to testify.

Respectfully,

Abby Simmons (she/her)  
Chair & SCC Representative  
Stonewall Caucus  
Democratic Party of Hawai'i  
<https://linktr.ee/stonewalldph>  
(808)352-6818



## HAWAII STATE - COMMISSION ON FATHERHOOD (HS-COF)



*The Hawaii State Commission on Fatherhood (HS-COF) serves  
In an advisory capacity to state agencies and makes  
recommendations on programs, services, contracts,  
policies and laws relating to children and families.  
fatherhoodcommission.hi@gmail.com*

Date: March 13, 2025 - Hearing at 02:00 PM  
To: Chair Tarnas and Members of the House Committee on Judiciary & Hawaiian Affairs  
From: Hawaii State Commission on Fatherhood (HS-COF)  
Subject: SB1231 SD1- Relating to Parentage – Comments on Part X

### Commission's Position: HS-COF offers comments on SB1231 SD1 Part X

The mission of the Hawaii State – Commission on Fatherhood ([HS-COF](#)) is to promote healthy family relationships by emphasizing the importance of fathers in the lives of their children. The Commission serves in an advisory capacity to state agencies and makes recommendations on programs, services, contracts, policies **and laws relating to children and families.**

Whether naturally, through adoption, as hanai, or the use of Assisted Reproductive Technologies (ART), parenthood comes in a variety of manners. One of the more complex forms of becoming a parent is through ART. It is not uncommon for Intended Parents to pursue ART through the use of male or female donor gametes. There are four sets of people who are particularly involved or impacted by the use of donor gametes: the Intended Parents, the donors, the professionals who provide services for a fee to Intended Parents as well as compensation to donors and of course the donor conceived children.

Presently, there are no state laws in Hawaii that regulate ART and/or the use of surrogates, and thus anonymous donors are used in the conception of donor-conceived children.

The current Chair of the HS-COF has shared his personal story of using anonymous donor gametes in his pursuit of fatherhood. Through his participation on the Act 156 Task Force, he has grasped the potential adverse implications of donor anonymity on donor conceived children, including his own. At our Board Meeting on March 7, 2025, we discussed the impacts of anonymous donors on each of the four sets of persons involved. We also discussed similarities between adoptees and donor conceived children, such as a desire to know one's identity as well as medical history.

SB1231 SD1, in its current form, allows for the continuation of anonymous donor gametes in Hawaii, leaving the decision of who determines whether the child can access their identity to all parties in the process, except the donor-conceived person. This committee has the opportunity to incorporate the updated Uniform Law Commission's draft of Article 9 (2024) to allow for a donor conceived child to access their identity once that child has reached adulthood at the age of 18.

As a Commission that is so focused on the general well-being of children, and laws related to children, we believe that the donor conceived child should be allowed, at age 18, to choose whether they want to receive the identity of their donor from the source of the donation. We respectfully request this measure be amended to insert the updated Uniform Law Commission's draft of Article 9 (2024) related to Donor Identity.



March 17, 2025

Representative David Tarnas, Chair  
Representative Mahina Poepoe, Vice Chair  
House Committee on Judiciary

**Re: S.B. 1231, S.D.1 Relating to Parentage**

**Hearing: March 13, 2025, 2:00 p.m.  
Conference Room 325**

Dear Chair Tarnas, Vice Chair Poepoe and Members of the Committee:

Hawaii Women Lawyers (“HWL”) **strongly supports S.B. 1231, S.D.1**. This bill proposes to repeal the Uniform Parentage Act of 1973 and update laws relating to parentage, including enacting portions of the Uniform Parentage Act of 2017.

Hawaii Women Lawyers is a lawyer’s trade organization that aims to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

There have been many changes in society, law and medical technology since the original enactment of Uniform Parentage Act of 1973, which was originally created in response to establish a legal framework for establishing parent-child relationships. The Uniform Law Commission released numerous updates to the Uniform Parentage Act since this original framework, and we believe there is a significant need to update Hawaii’s parentage statutes.

In 2023, the Legislature created a two-year task force with its passage of Act 156, Session Laws of Hawaii 2023 to review this complex statute and make recommendations to update the Uniform Parentage Act. This measure is the result of that work and largely adopts the Uniform Law Commission’s 2017 update to the law.

We support this measure because it provides a more certain path and inclusion under the law for same sex couples, single parents, and children born through assisted reproductive technology and surrogacy. We also appreciate that updates to the law will provide long-needed clarity in Hawaii’s parentage act to eliminate outdated gender terms, provide a clear path to establishing voluntary, expedited and de facto parentage, and protect parent-child relationships of all types. In the wake of recent national trends, it is more important than

ever that the Legislature take steps to protect all families in Hawaii and to recognize the diversity of ohana in our community.

Thank you for the opportunity to submit testimony in support of this bill.



**LAMBDA LAW HAWAI'I**  
**WILLIAM S. RICHARDSON SCHOOL OF LAW**

**TESTIMONY IN SUPPORT OF [SB1231](#)**  
House Committee on Judiciary & Hawaiian Affairs  
March 13, 2025

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

**Lambda Law Hawai'i**, a Law Student Association at the William S. Richardson School of Law, **strongly supports SB1231 SD1.**

Hawai'i's **'ohana are diverse and often include members who are not necessarily blood related.** The state's **existing parentage laws fail to provide adequate legal framework** for those that do not fit the current, narrow legal definition of family, placing the burden on nontraditional 'ohana to pursue their own protections, including adopting their own children. This results in **emotional and mental distress**, and creates **undue financial burdens** just to protect their 'ohana. These burdens should be lifted.

The Hawai'i Supreme Court has recognized that "a biological connection is *not necessary* to establish a presumption of parentage."<sup>1</sup> **It is time to embrace and enshrine updated legal protections for all 'ohana.** Our laws should reflect Hawai'i's diversity and uphold Native Hawaiian concepts of 'ohana beyond blood relations.

SB1231 will:

- Protect *all* 'ohana, including LGBTQIA+/MVPFAFF family members;
- Protect 'ohana that utilize assisted reproduction technology and surrogacy;
- Recognize functional parents who provide emotional, financial and physical support for minors, but who currently lack legal parental rights; and
- Strengthen keiki welfare protections.

Regarding the removal of Part X in SB1231 that would have codified anonymous gamete donation, we recognize that the legislature does not aim to restrict donor-conceived individuals from accessing information about their genetic origin. We support additional discussion around donor information disclosure that prioritizes the interests of donor-conceived people, without halting progress of SB1231 SD1. **Please support SB1231 SD1.** Mahalo nui for the opportunity to testify.

**Lambda Law Hawai'i**, a Law Student Association at the William S. Richardson School of Law.  
*Mission: To advance equal rights for LGBTQIA+ individuals at WSRSL and beyond.*

---

<sup>1</sup> *LC v. MG & Child Support Enf't Agency*, 143 Hawai'i 302, 312, 430 P.3d 400, 410 (2018) (emphasis added).

**March 13, 2025**

Hawaii House Committee on Judiciary & Hawaiian Affairs  
Conference Room 325  
State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**Re: Testimony in Support of, and Suggested Amendments to, SB1231**

**Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:**

U.S. Donor Conceived Council (USDCC), a nonprofit that advocates for the well-being of donor conceived people, **supports** the current version of Senate Bill 1231 and offers the following comments and suggested amendments.

USDCC is an ardent supporter of the 2024 Uniform Parentage Act (UPA). By updating Hawaii's statutes, SB1231 provides necessary protections for intended parents, surrogates, and children born through assisted reproductive technologies. These provisions help to eliminate legal uncertainty for families, particularly those with LGBTQ+ parents and single parents by choice. Modern parentage laws also offer security to donor conceived children to ensure they remain with their families, especially protecting their relationships with non-genetic parents.

In addition to our support, we write to respectfully request the Committee consider including the updated Article 9 of the UPA within the bill. We shared our concerns about including the outdated version of Article 9 with the Act 156 Task Force on Parentage Laws, and Senate Committee on Judiciary members when the bill was first considered. We thank the Senate Committee for amending the bill and deleting language that would have codified anonymous gamete donation.

**Suggested Amendment: 2024 Article 9 of Uniform Parentage Act**

While we support the bill in its current state with no Part 10/no Article 9 language, we respectfully ask the Committee to include the 2024 version of Article 9 of the UPA. We wholeheartedly agree with the Senate Committee's findings that:

“Given that anonymous gamete donation in Hawai'i has broad impacts beyond the State, as gametes collected in Hawai'i are frequently shipped nationally and internationally, your Committee believes that amendments to this measure are necessary to ensure that donor-conceived individuals have access to information about their genetic origins.”<sup>1</sup>

---

<sup>1</sup> Haw. S. Stand. Comm. Rep. No. 881 (2025).

**Unfortunately, as amended by the Senate Committee, donor conceived people still would not have access to information about their genetic origins.** The court “records pertaining to proceedings to adjudicate parentage, birth records, and surrogacy agreements” do not contain this vital information for donor conceived people. Donor-conceived people’s records regarding their genetic origins are controlled by gamete banks and fertility clinics.

As explained in the Uniform Parentage Act Prefatory Note, “Article 9 sets forth requirements and procedures regarding access to non-identifying medical history and identifying information regarding any gamete providers by children born through assisted reproduction and their parents.”<sup>2</sup>

- “As amended in December 2023, Article 9 requires gamete banks and fertility clinics to collect and retain both identifying information and nonidentifying medical history about gamete donors.”
- “Article 9 provides that gamete banks and fertility centers shall provide non-identifying medical history to parents upon request at any time and upon request by the donor-conceived child who attains 18 years of age.”
- “With regard to identifying information, Article 9 provides that a gamete bank or fertility center shall provide this information to the donor conceived child who attains 18 years of age upon their request.”

Donor conceived people **must** access non-identifying medical history and identifying information regarding gamete donors through the gamete banks and fertility clinics.

For this reason, **the 2024 Article 9 of the UPA is necessary to grant us the legal right to acquire our records** regarding our genetic origins from the gamete bank and fertility clinic.

We respectfully request the Committee revise the bill to include the updated 2024 Article 9 to ensure that donor-conceived individuals have the legal right to access information about their genetic origins.

Thank you for the opportunity to share our support for the bill, and for considering protections for donor conceived individuals included in the 2024 Article 9 of the UPA.

Sincerely,

Kaitlyn Boller  
Vice President of Legislative Affairs  
U.S. Donor Conceived Council

---

<sup>2</sup> Unif. Parentage Act prefatory note, at 3 (2017).

## UNIFORM PARENTAGE ACT (2017)

### PREFATORY NOTE

The Uniform Parentage Act (UPA) was originally promulgated in 1973 (UPA (1973)). UPA (1973) removed the legal status of illegitimacy and provided a series of presumptions used to determine a child’s legal parentage. A core principle of UPA (1973) was to ensure that “all children and all parents have equal rights with respect to each other,” regardless of the marital status of their parents. UPA (1973) § 2, Comment.

The UPA was revised in 2002 (UPA (2002)). UPA (2002) augmented and streamlined UPA (1973). UPA (2002) added provisions permitting a non-judicial acknowledgment of paternity procedure that is the equivalent of an adjudication of parentage in a court and added a paternity registry. UPA (2002) also included provisions governing genetic testing and rules for determining the parentage of children whose conception was not the result of sexual intercourse. Finally, UPA (2002) included a bracketed Article 8 to authorize surrogacy agreements.

UPA (2017) makes five major changes to the UPA. First, UPA (2017) seeks to ensure the equal treatment of children born to same-sex couples. UPA (2002) was written in gendered terms, and its provisions presumed that couples consist of one man and one woman. For example, Section 703 of UPA (2002) provided that “[a] man who provides sperm for, or consents to, assisted reproduction by a woman as provided in Section 704 with the intent to be the parent of her child, is a parent of the resulting child.”

In *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), the United States Supreme Court held that laws barring marriage between two people of the same sex are unconstitutional. Even more recently, in June 2017, the Supreme Court held that a state may not, consistent with *Obergefell*, deny married same-sex couples recognition on their children’s birth certificates that the state grants to married different-sex couples. *Pavan v. Smith*, 137 S. Ct. 2075, 2078-79 (2017). After *Obergefell* and *Pavan*, parentage laws that treat same-sex couples differently than different-sex couples may be unconstitutional. For example, in September 2017 the Arizona Supreme Court held that refusing to apply that state’s marital presumption equally to same-sex spouses would violate the Due Process and Equal Protection Clauses of the United States Constitution. *McLaughlin v. Jones*, slip op. at 9 (Ariz. 2017) (“The marital paternity presumption is a benefit of marriage, and following *Pavan* and *Obergefell*, the state cannot deny same-sex spouses the same benefits afforded opposite-sex spouses.”). See also *Roe v. Patton*, 2015 WL 4476734, \*3 (D. Utah. 2015) (concluding that the plaintiffs were “highly likely to succeed in their claim” that extending the “benefits of the assisted reproduction statutes [which are based on UPA (2002)] to male spouses in opposite-sex couples but not for female spouses in same-sex couples” was unconstitutional). As the Arizona Supreme Court explained in *McLaughlin*, state legislatures, like state courts, are “obliged to follow the United States Constitution. . . . Through legislative enactments and rulemaking, [the] coordinate branches of government can forestall unnecessary litigation and help ensure that [state] law guarantees same-sex spouses the dignity and equality the Constitution requires—namely the same benefits afforded couples in opposite-sex marriages.” *McLaughlin v. Jones*, slip op. at 13 (Ariz. 2017). UPA (2017) helps state legislatures address this potential constitutional infirmity by amending provisions throughout the act so that they address

and apply equally to same-sex couples. These changes include broadening the presumption, acknowledgment, genetic testing, and assisted reproduction articles to make them gender-neutral.

UPA (2017) updates the act to address this potential constitutional infirmity by amending provisions throughout the act so that they address and apply equally to same-sex couples. These changes include broadening the presumption, acknowledgment, genetic testing, and assisted reproduction articles to make them gender-neutral.

Second, UPA (2017) includes a provision for the establishment of a de facto parent as a legal parent of a child. Most states recognize and extend at least some parental rights to people who have functioned as parents to children but who are unconnected to those children through either biology or marriage. These states span the country; ranging from Massachusetts, to West Virginia, to North and South Carolina, to Texas. Some states recognize such people under a variety of equitable doctrines – sometimes called de facto parentage, or in loco parentis, or the psychological parent doctrine. Other states extend rights to such people through broad third party standing statutes. And, more recently, states have begun to treat such people as legal parents under their parentage provisions. Two states – Delaware and Maine – achieve this result by including “de facto parents” in their definition of parent in their state versions of the Uniform Parentage Act. Other states, including California, Colorado, Kansas, New Hampshire, and New Mexico, reached this conclusion by applying their existing parentage provisions to such persons. New Section 609 provides a process for the establishment of parentage by those who claim to be de facto parents.

Third, UPA (2017) includes a provision that precludes establishment of a parent-child relationship by the perpetrator of a sexual assault that resulted in the conception of the child. The United States Congress adopted the Rape Survivor Child Custody Act in 2015, which provides incentives for states to enact “a law that allows the mother of any child that was conceived by rape to seek court-ordered termination of the parental rights of her rapist with regard to that child, which the court shall grant upon clear and convincing evidence of rape.” In 2017, at least 17 state legislatures were considering bills to enact such statutes. New Section 614 provides language to implement the federal law.

Fourth, UPA (2017) updates the surrogacy provisions to reflect developments in that area. States have been particularly slow to enact Article 8 of UPA (2002). Eleven states adopted versions of UPA (2002).<sup>1</sup> Of these 11 states, only two – Texas and Utah – enacted the surrogacy provisions based on Article 8 of UPA (2002). At least five of the 11 states that enacted UPA (2002) enacted surrogacy provisions that are *not* premised on the 2002 UPA. These states include: Delaware (permitting) (enacted 2013); Illinois (permitting) (enacted 2004); Maine (permitting) (enacted 2015); North Dakota (banning) (enacted 2005); and Washington (banning compensated) (enacted 1989).

The fact that very few states enacted Article 8 is likely the result of a confluence of factors. One

---

<sup>1</sup> The eleven states are: Alabama, Delaware, Illinois, Maine, New Mexico, North Dakota, Oklahoma, Texas, Utah, Washington, and Wyoming. See Uniform Law Commission, *Legislative Fact Sheet – Parentage Act*.

likely factor is the controversial nature of surrogacy itself. But the fact that four of the states that enacted UPA (2002) have provisions permitting surrogacy that are not modeled on Article 8 of UPA (2002) suggests that the small number of enactments is also affected by the substance of Article 8. Accordingly, UPA (2017) updates the surrogacy provisions to make them more consistent with current surrogacy practice.

Finally, UPA (2017) includes a new article – Article 9 – that sets forth requirements and procedures regarding access to non-identifying medical history and identifying information regarding any gamete providers by children born through assisted reproduction and their parents. Based on data from 2015, the CDC reports that “approximately 1.6% of all infants born in the United States every year are conceived using ART.”<sup>2</sup> Data suggest that this percentage continues to increase. Gaia Bernstein, *Unintended Consequences: Prohibitions on Gamete Donor Anonymity and the Fragile Practice of Surrogacy*, 10 Ind. Health L. Rev. 291, 298 (2013) (noting that “from 2004 to 2008 the number of IVF cycles used for gestational surrogacy grew by 60%, the number of births by gestational surrogates grew by 53% and the number of babies born to gestational surrogates grew by 89%”). Accordingly, it is increasingly important for states to address these issues. As amended in December 2023, Article 9 requires gamete banks and fertility clinics to collect and retain both identifying information and nonidentifying medical history about gamete donors. Article 9 provides that gamete banks and fertility centers shall provide non-identifying medical history to parents upon request at any time and upon request by the donor-conceived child who attains 18 years of age. With regard to identifying information, Article 9 provides that a gamete bank or fertility center shall provide this information to the donor conceived child who attains 18 years of age upon their request.

---

<sup>2</sup> Centers for Disease Control, ART Success Rates, <http://www.cdc.gov/art/reports/> (last updated May 4, 2017).

**[ARTICLE] 9**

**INFORMATION ABOUT DONOR**

**SECTION 901. DEFINITIONS.** In this [article]:

(1) “Identifying information” means:

(A) the full name of a donor;

(B) the date of birth of the donor; and

(C) the permanent and, if different, current address, telephone number, and

electronic mail address of the donor at the time of the donation.

(2) “Medical history” means information regarding any:

(A) present illness of a donor;

(B) past illness of the donor; and

(C) social, genetic, and family history pertaining to the health of the donor.

**SECTION 902. APPLICABILITY.** This [article] applies only to gametes

collected on or after [the effective date of this [act]].

**SECTION 903. COLLECTION OF INFORMATION.**

(a) A gamete bank or fertility clinic licensed in this state shall collect from a donor the donor's identifying information and medical history at the time of the donation.

(b) A gamete bank or fertility clinic licensed in this state which receives gametes of a donor collected by another gamete bank or fertility clinic shall collect the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

(c) A gamete bank or fertility clinic licensed in this state shall disclose the information collected under subsections (a) and (b) as provided under Section 905.

**SECTION 904. (RESERVED.)**

**SECTION 905. DISCLOSURE OF IDENTIFYING INFORMATION AND MEDICAL HISTORY.**

(a) On request of a child conceived by assisted reproduction who attains 18 years of age, a gamete bank or fertility clinic licensed in this state which collected the gametes used in the assisted reproduction shall provide the child with identifying information of the donor who provided the gametes.

(b) Regardless whether a child has made a request under Section 905(a), on request of a child conceived by assisted reproduction who attains 18 years of age, or, if the child is a minor, of a parent or guardian of the child, a gamete bank or fertility clinic licensed in this state which collected the gametes used in the assisted reproduction shall provide the child or, if the child is a minor, the parent or guardian of the child, access to nonidentifying medical history of the donor.

(c) On request of a child conceived by assisted reproduction who attains 18 years of age,

or, if the child is a minor, of a parent or guardian of the child, a gamete bank or fertility clinic licensed in this state which received the gametes used in the assisted reproduction from another gamete bank or fertility clinic shall disclose to the child or, if the child is a minor, the parent or guardian of the child, the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

**SECTION 906. RECORDKEEPING.**

(a) A gamete bank or fertility clinic licensed in this state which collects gametes for use in assisted reproduction shall maintain identifying information and medical history about each gamete donor. The gamete bank or fertility clinic shall maintain records of gamete screening and testing and comply with reporting requirements, in accordance with federal law and applicable law of this state other than this [act].

(b) A gamete bank or fertility clinic licensed in this state that receives gametes from another gamete bank or fertility clinic shall maintain the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

**SB-1231-SD-1**

Submitted on: 3/11/2025 11:40:31 AM

Testimony for JHA on 3/13/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sarah Simmons	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and esteemed committee members,

I am writing in **STRONG SUPPORT** of SB1231 SD1. This bill is necessary in its repeal of the Uniform Parentage Act of 1973 and updating of Hawai'i's parentage laws. This bill is an excellent step forward for Hawai'i and will recognize the legal parentage of our LGBTQIA+ families and those individuals and couples using assisted reproductive technology, including surrogacy, ensuring they will have legal protections on their parentage, preventing harmful legal battles over parental rights.

All children, regardless of the circumstances of their conception, are entitled to the same legal rights, protections, and security of parentage. Please pass this bill in support of all Hawai'i families.

Mahalo for your consideration,

Sarah Simmons

Volcano, HI

**SB-1231-SD-1**

Submitted on: 3/11/2025 1:19:44 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gerald Tariao Montano	Individual	Support	Written Testimony Only

Comments:

Dear Chairs of the JHA Committee:

My name is Gerald Montano from the neighboring island of Maui.

I am writing **in support** of SB1231, which repeals the Uniform Parentage Act of 1973 and updates laws relating to parentage, including implementing the Uniform Parentage Act of 2017.

Diversity in those who take care of children has been growing, yet these caretakers are not recognized for their hard work. Protections and support for these parents would be necessary for their children--and all children--to be healthy and thrive.

Mahalo for your consideration.

Gerald Montano

March 13, 2025

TO: Rep. David Tarnas, Chair, House Judiciary & Hawaiian Affairs Committee Members  
FR: Laurel Johnston  
RE: SB1231, SD1 - Uniform Law on Parentage

Aloha! I served on the Act 156 Task Force on Parentage, as the representative for adoptee issues related to birth heritage and family medical history, but I am testifying today in my individual capacity.

As an adopted person raised within the closed adoption system, my birthparent's identity, including family medical history, was sealed in court records. From the 1940's, this was the law in most states until research from social workers and psychologists began to show the negative effects of withholding birth heritage information from adoptees and their adoptive parents. In 1989, I joined local advocates to request that adopted persons, at age 18, have access to their sealed family court records that contain information about their birth heritage. In 2016, the Hawaii legislature approved access for adult adopted persons to their sealed family court records, which has helped many adopted persons connect with genetic family members and access family medical history.

Similarly, persons born through assisted reproductive technology face the same missing birth heritage and family medical history when their parents use donor gametes and/or surrogates to create a child who may not be their genetic child. Further, research beginning in the 21<sup>st</sup> century about donor-conceived persons has revealed that they want to know more about their genetic and birth heritage. We also now know much more about inherited medical conditions and potential cures through genetic technology that could be critical information for a donor-conceived person as they develop. There are national organizations that have been formed in support of access to birth heritage for adoptees and donor-conceived persons. Attached is a list of these organizations.

In January 2024, the Uniform Law Commission (ULC) updated their Uniform Law on Parentage related to disclosure of donor identity, to allow an adult donor-conceived person to request the identity of their donor, in order to request birth heritage and current family medical history. Regrettably, the Act 156 Task Force chose to retain outdated language related to disclosure of donor identity from the 2017 version of the ULP. This version does not serve the best interests of adult donor-conceived persons, as it allows donors to unilaterally decide whether or not they will provide birth heritage and family medical history upon request of the donor-conceived person.

Thus, I am respectfully asking you to support SB 1231, SD1, which deletes the outdated 2017 provisions and makes additional amendments that offer limited access to sealed court records.

Mahalo nui for your attention and consideration.

## National Organizations supporting the sharing of donor information

- *Adoption Knowledge* - US organization offering education and support for adoptee searches, including donor conceived community members  
<https://www.adoptionknowledge.org>
- *Donor Sibling Registry* - US organization founded in 2000 to educate, connect, and support donor families <https://donorsiblingregistry.com>
- *Right to Know* - US organization advocating for right to know genetic information (national and international members) <https://righttoknow.us>
- *US Donor Conceived Council* - US organization that strives to increase awareness of the needs, interests, and challenges of donor conceived people and advance change that promotes and protects their health, welfare, and human rights.  
<https://www.usdcc.org>
- *National Association of Adoptees and Parents* - US organization dedicated to enhancing the lives of adoptees by unifying and elevating the voice of all adoptees regardless of where they are in their adoption journey.  
<https://naapunited.org/about>
- *Untangling Our Roots* - US organization sponsoring annual conference to connect adoptees, children of ART, and unknown fathers over issues re: genetic heritage and access to genetic information <https://untanglingourroots.org>

House Committee on Judiciary Hearing  
Thurs., March 13, 2025 at 2 p.m.  
VIA VIDEOCONFERENCE  
Conference Room 325  
State Capitol  
415 South Beretania Street

RE: SB 1231 - RELATING TO PARENTAGE.

Aloha Chair Tarnas, Vice Chair Poepoe, Maui Rep. Cochran, and Members of the Committee,

My name is Christine Andrews and I am from Wailuku, Maui. I am writing today in strong support of SB 1231, which repeals the outdated Uniform Parentage Act of 1973 and modernizes Hawai'i's parentage laws by incorporating vital provisions from the Uniform Parentage Act of 2017. This bill represents a critical step forward in ensuring equal recognition and protection for all families in Hawai'i, particularly for LGBTQIA+ individuals and couples who rely on assisted reproductive technology, including surrogacy, to build their families.

Hawai'i has long stood as a beacon of diversity and inclusion, and our legal framework must reflect these values by ensuring that all parents—regardless of gender, sexual orientation, or the method by which they conceive their children—have equal rights and protections under the law. The current parentage laws are outdated and fail to account for the realities of modern family-building, particularly for LGBTQIA+ families who face unique legal challenges when establishing their parental rights. SB 1231 makes necessary and long-overdue updates, including:

- Recognizing the legal parentage of non-biological parents in LGBTQIA+ families without requiring costly, invasive, and unnecessary legal proceedings.
- Providing clear and consistent standards for parentage determinations, reducing uncertainty and legal barriers for LGBTQIA+ individuals and couples.
- Ensuring that individuals and couples utilizing surrogacy arrangements have legal protections, including the ability to secure parentage before the birth of their child, preventing harmful legal battles over parental rights.
- Affirming that all children, regardless of the circumstances of their conception, are entitled to the same legal rights, protections, and security of parentage. LGBTQIA+ individuals and couples who use surrogacy to grow their families face significant legal hurdles in establishing parentage under existing laws.

Many are forced to complete costly and time-consuming adoptions to secure legal recognition as parents—even when they are intended and loving parents from the moment of conception. SB 1231 will help eliminate these barriers and provide equal dignity and security to all families. The passage of SB 1231 will bring Hawai'i in line with best practices nationwide and reinforce our state's commitment to equality, inclusion, and family justice. We urge this committee to

advance this essential legislation and stand with the LGBTQIA+ community in affirming that all families—regardless of their structure—deserve legal recognition, security, and respect.

I respectfully request that you pass SB 1231 without delay.

Mahalo,

Christine L. Andrews, J.D.  
Wailuku, Maui

**SB-1231-SD-1**

Submitted on: 3/11/2025 10:58:49 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and JHA Committee,

As public health professional, I support SB1231 SD1, which would reduce unnecessary barriers to the parentage process for families in Hawai'i.

With thanks,

Thaddeus Pham (he/him)

Makiki, HI

**SB-1231-SD-1**

Submitted on: 3/12/2025 7:04:36 AM

Testimony for JHA on 3/13/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Richard S Velasquez	Individual	Support	Written Testimony Only

Comments:

Please support this bill which will strengthen Hawaii families, Ohana is the building block of our community.

This bill will help all families and protects children and parents

**SB-1231-SD-1**

Submitted on: 3/12/2025 9:00:16 AM

Testimony for JHA on 3/13/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Adrienne Ouellette	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill, which benefits the parents in Hawaii and protects families.

**SB-1231-SD-1**

Submitted on: 3/12/2025 10:03:18 AM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Celine Chang	Individual	Support	Written Testimony Only

Comments:

**RE: STRONG SUPPORT OF SB1231**

Dear Chair and Members of the Committee,

I am writing in strong support of Senate Bill 1231, which repeals the outdated Uniform Parentage Act of 1973 and incorporates key provisions from the Uniform Parentage Act of 2017. This important legislation represents a significant step forward in modernizing Hawai‘i’s parentage laws to ensure equal recognition and protection for all families, especially LGBTQIA+ individuals and couples who rely on assisted reproductive technology, including surrogacy, to build their families.

The current parentage laws in Hawai‘i were established in 1973, a time when societal norms, family structures, and reproductive technologies were vastly different. These laws do not reflect the realities of modern families, particularly those led by LGBTQIA+ individuals and couples who may need assisted reproductive technology (ART) or surrogacy to start or grow their families. SB1231 aligns Hawai‘i’s parentage laws with contemporary practices and ensures that all families—regardless of sexual orientation, gender identity, or the methods they use to conceive—are treated equally under the law.

The Hawai‘i State LGBTQ+ Commission strongly supports SB1231 because it will:

- 1. Ensure Equal Recognition of Parentage:** The 1973 Uniform Parentage Act does not address the complexities of modern family-building methods, such as ART and surrogacy, leaving LGBTQIA+ individuals and couples vulnerable to legal challenges regarding parentage. By adopting the provisions of the 2017 Uniform Parentage Act, SB1231 will ensure that all parents, regardless of gender identity or sexual orientation, are legally recognized as parents of their children from the moment of birth or conception, providing families with security and peace of mind.
- 2. Protect Families Built Through Assisted Reproductive Technology and Surrogacy:** Many LGBTQIA+ couples, especially gay men, rely on ART and surrogacy to become parents. The current laws do not adequately address the rights of intended parents in these situations, often requiring expensive and time-consuming legal processes to establish parentage. SB1231 will streamline this process, ensuring that parents who rely on ART and surrogacy are immediately recognized as the legal parents without unnecessary hurdles.

3. **Promote Fairness and Equality:** By repealing outdated laws and incorporating the Uniform Parentage Act of 2017, SB1231 ensures that all families are treated fairly and equally, regardless of the sexual orientation or gender identity of the parents. This bill supports the fundamental principle that all families deserve equal legal recognition, protection, and rights.
4. **Provide Legal Clarity and Stability:** The legal clarity provided by SB1231 is essential for families navigating the often complex landscape of assisted reproductive technology and surrogacy. With clear and updated laws, families will experience greater stability, knowing that their legal rights as parents are unequivocally recognized by the state of Hawai‘i.

SB1231 is a much-needed update to Hawai‘i’s parentage laws and reflects our state’s commitment to equality, fairness, and justice for all families. We are confident that this bill will ensure that all parents—regardless of sexual orientation or gender identity—have the right to fully and equally recognize their parentage, and that children are guaranteed the same rights and protections, regardless of how their families were created.

We urge the committee to pass SB1231 and support this important step in modernizing Hawai‘i’s laws to reflect the diversity and realities of today’s families.

Thank you for your attention to this critical issue.

Mahalo,

Celine



## **Carrie Eichberg, Psy.D.**

Licensed Psychologist  
1414 West Franklin St.  
Boise, Idaho 83702

March 13, 2025

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

My name is Dr. Carrie Eichberg and I have been a licensed psychologist for 23 years. I am licensed to practice in Hawaii, Idaho, and California. I am providing this testimony to support Senate Bill 1231 and ask the committee to add the 2024 Article 9 of the Uniform Parentage Act, as it gives donor-conceived persons the ability to contact their donor(s) once they reach the age of majority.

I specialize in reproductive psychology. I work with gamete donors, recipients and donor conceived persons. I have done hundreds of donor evaluations and recipient consultations. When I first meet with a donor and ask them if they are comfortable with future contact of the resulting offspring when he or she is 18, many donors are at first hesitant. However, once I explain to them why a donor conceived person may want contact, mainly curiosity and for health information, not for parental attachment, most all donors agree to it. Most recipients also agree this is in the best interest of their future children.

Psychologists understand and know the importance of healthy identity development. Part of this development is understanding who one is genetically. In fact, the United States and many other countries are moving toward more openness in both gamete donation and adoption. In the United States only 5% of adoptions are now considered closed, when adoptees have no contact information from birth parents. Adoption is “open” because adoption experts have led the field in discovering how knowing one’s genetic contributors helps promote healthy identity development. Furthermore, it is impossible to be anonymous in the world today. Considering direct to consumer DNA testing companies, anyone can be found. Wouldn’t it be better for donors to agree to share contact information when they are donating and not be shocked 18 years later when they are contacted by an email from 23 and Me? Identity release donation benefits donors, recipients and donor conceived persons. Any donor who is uncomfortable with being identified sometime in the future should not be donating at all.

I am not just a psychologist but the mother of two sons, ages 18 and 15, from egg donation. After agreeing to an unknown donation 20 years ago, I realized what a mistake that was. I found



## **Carrie Eichberg, Psy.D.**

Licensed Psychologist  
1414 West Franklin St.  
Boise, Idaho 83702

my donors through a donor matching website and with the help of my reproductive clinic. The donors and I text a few times a year and share pictures. My sons have met them. I can now know my children's health information. This was critical because one of the donors found out about a genetic cardiac issue that she did not know about when she donated. If my sons ever have a question about their genetics, I can say let's ask "Julie" rather than "I don't know and we may never know."

As a psychologist, I would like to ask you to do a little thought experiment with me. Let's say your parents sat you down and said, "You know honey, we had fertility problems and we wanted to let you know we used a sperm donor to have you." How would you feel? Would you love your parents any less? Of course not. But I bet you would be curious and perhaps the first thing you might do is research to find that person. Maybe you aren't interested in contact, but if you had the ability to know who they are, I bet you would want to know. All of our research about why donor conceived persons want contact information points to the issue of curiosity and our ethics guides us towards honoring the right to know for donor conceived persons. I support SB1231 and ask the Committee to consider an amendment to include the updated 2024 Article 9 of the Uniform Parentage Act.

Thank you for your time and consideration.

Sincerely,

Dr. Carrie Eichberg



**Carrie Eichberg, Psy.D.**

Licensed Psychologist  
1414 West Franklin St.  
Boise, Idaho 83702

*Testimony of  
Deirdre Marie-Iha*

---

February 12, 2025

House Committee on  
Judiciary & Hawaiian Affairs  
State Capitol, Room 325  
415 South Beretania St.  
Honolulu, Hawai'i 96813

**Re: Comments in Strong Support of SB 1231, S.D. 1,  
Relating to Parentage**

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

I write in strong support of SB 1231, S.D. 1, Relating to Parentage. This measure is the result of the efforts and recommendations of the taskforce formed by this Legislature under 2023 Haw. Sess. L. Act 156. I was honored to serve as a member of that taskforce and am thrilled that our proposed bill has been introduced, passed by the Senate, and is now being heard by this Committee.<sup>1</sup>

This is an important bill. In short, Hawaii's existing statutory law on parentage is very much outdated. Our parentage statutes have not kept pace with the modern definitions of family or marriage that already exist under our State's laws. This is particularly true for the methods of proving parentage or paternity; assisted reproduction such as IVF; and surrogacy arrangements.

The proposed measure addresses these concerns, by enacting new provisions largely drawn from the 2017 version of the Uniform Parentage Act, as published by the Uniform Laws Commission. To fully accomplish this objective, the bill also repeals the 1973 version of the Uniform Parentage Act, currently found in HRS chapter 584. Where necessary, existing family law provisions are re-enacted (and updated) to dovetail with the 2017 UPA. Most strikingly, where Hawai'i statutory law is currently silent on assisted reproduction and surrogacy, this proposed bill would enact comprehensive statutory law addressing both, and in a manner consistent with the current recommended national standards in this area of law. These statutory updates and additions are very much needed, and well overdue.

The taskforce paid special attention to making sure our proposed bill would be gender-neutral and inclusive. For me personally, I wanted to be sure that the bill would fully protect same-sex couples. Some time ago, I was a deputy attorney general for the State AG's, and in that capacity I had the great privilege to serve in a central role in the enactment and defense of Hawaii's Marriage Equality Act in 2013. Back then, we knew that the parentage laws were outdated but could not address that issue at the time. When this taskforce was formed ten years

---

<sup>1</sup> I am currently a partner at Goodwill Anderson Quinn & Stifel and offer this testimony in my personal capacity.

later, Attorney General Anne Lopez personally asked me to serve on this taskforce for precisely that reason: I understood the legal context for same-sex couples. As the taskforce considered every part of this bill, my personal guiding principle was to be sure that families and couples would be treated equally under the laws governing parentage, regardless of biological sex, gender, orientation, or cisgender or non-cisgender identities. I believe that, if enacted, our proposed measure would achieve this important goal.

You will note that the Senate Judiciary committee made some substantive amendments in the S.D. 1. I am in full support of those amendments, including, in particular, omitting the language in the prior version of the bill as to anonymous gamete donation in the State.

This is a very detailed and lengthy measure. For more information, the taskforce's report may be found at: [https://www.capitol.hawaii.gov/sessions/session2025/Bills/DC84\\_.pdf](https://www.capitol.hawaii.gov/sessions/session2025/Bills/DC84_.pdf)

I strongly urge the Committee to pass this measure.

Very truly yours,

*Deirdre Marie-Iha*  
Honolulu, Hawai'i

Testimony - SB1231 - March 13, 2025

I oppose this bill because it does not protect the right of children to have access to identifying information when they are 18.

- 1) I am a retired Episcopal priest, married with two adult children and two grandchildren.
- 2) I am also an adopted person who was placed in a closed adoption in 1957. My natural mother was a nisei in Oahu where I was conceived. I was born in Colorado.
- 3) The closed adoption was ruled a mistake in 2006 by a Colorado court because adoption records in that time were not intended to have been sealed.
- 4) Nevertheless, until that ruling, my adoption was for all practical purposes a closed adoption.
- 5) So, when I petitioned the court in 2004, I provided a rationale and the required court fee. The court ruled to open my records.
- 6) Learning the names of both of my parents on my original birth certificate was life changing. I did not realize the impact that knowledge would have on me. I should not have been surprised in light of common human experience.
- 7) In my early twenties, my wife asked if I wanted to know who my original parents were. When I said, no, she was surprised. She thought everyone would want to know.
- 8) Ancestry information via DNA is an enormous business because people want to know their ancestors.
- 9) Ancestry is culturally valuable information. Native Americans value this information and it is a normal part of their identity.
- 10) In the Christian tradition, the Bible points to lineage again and again. To be a member of the Hebrew people, one had to establish familial ties.
- 11) Jesus's lineage is provided in two genealogies in the gospels of Matthew and Luke. One must assume that genealogy is important, a basis of identity.
- 12) My adoptive mother did her ancestry tree over many years, told me I was welcome to it but also said that she understood if it wasn't as important to me as it was to her.
- 13) As an adopted person, I can attest that not having that information affected me. I felt like a person without roots.
- 14) When I learned the names of my original parents I felt differently. Gained a sense of heritage.
- 15) Heritage also affects my children and grandchildren. The impact is far reaching.
- 16) As a clergy person, I am required by the Church to provide premarital counseling. One key part of that is family planning. Family planning needs to address the heritage of children with adoption, surrogacy and donor conception. The state should be clear and be consistent with long standing cultural values of heritage.
- 17) Parents need social support to help their children orient to their heritage. The state is one part of that support.

**SB-1231-SD-1**

Submitted on: 3/12/2025 11:39:16 AM

Testimony for JHA on 3/13/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
J. Takane	Individual	Comments	Written Testimony Only

Comments:

Aloha Senator Rhoads and colleagues,

I appreciate the changes applied from the first hearing. Though, of course, as an adopted person who grew up knowing nothing, I would like all children born into this world to have the opportunity most have of the knowledge of where they come from, biologically, genetically, and historically, I am grateful for the efforts to address this in some way for those born from our technological advances. I hope to one day see full disclosure for these children so that they can use their truth to live their lives knowing where they come from in order to understand who they are.

Mahalo, J. Takane

**Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:**

My name is Rachel Heffner, and I am a resident of Hawai'i with personal experience in donor conception. I submit this testimony in **support of SB1231**, and respectfully urge the committee to **amend the bill to include the 2024 Article 9 of the Uniform Parentage Act**.

After years of unsuccessful attempts to get pregnant, my husband and I conceived our daughter in 2017 through IVF with an anonymous egg donor. At the time, I believed that if an anonymous donor could help us achieve pregnancy, it was the best option forward. Only later did I realize how profoundly donor anonymity can impact a child's sense of identity.

- By age three, my daughter was asking who the donor was, what color her hair was, and where she lived. These are natural, age-appropriate questions any child might have about someone who contributed half of their DNA.
- More recently, when she learned that our donor did not desire to have contact, my daughter asked, "why doesn't she want to meet me?"

While our daughter remains happy, healthy, and well-adjusted at age seven, it is clear that donor anonymity has the potential to greatly impact her future, especially during later years when identity formation and development of self-worth are of large importance. Donor anonymity deprives her of deeper insight into her own genetic origins, and cuts her off from receiving updated health information about her biological relatives.

Allowing donor-conceived individuals to access information relating to their genetic heritage and medical history upon the age of 18 is not only essential, it also provides the opportunity for potentially life-saving information. Article 9 of the 2024 Uniform Parentage Act provides donor-conceived people the right to access information about their genetic origins consistent with the rights afforded to adoptees and surrogacy-born people under SB1231 and existing Hawaiian law. Why should my daughter have less rights to access her own information simply based on the nature of her conception?

I respectfully ask this Committee to **amend SB1231 to include the 2024 Article 9 to be reflective of the current Uniform Parentage Act**.

True child-centered legislation ensures that all donor-conceived individuals at least have access to identifying information upon reaching adulthood, if they wish. Mahalo for considering my testimony and for working toward a legislative framework that respects the rights of donor-conceived people and families.

Sincerely,  
Rachel Heffner

**SB-1231-SD-1**

Submitted on: 3/12/2025 11:56:25 AM

Testimony for JHA on 3/13/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sean Taylor	Individual	Support	Written Testimony Only

Comments:

I write in strong support of SB1231 SD1. This bill addresses needs of LGBTQ+ families and is long overdue. Among other things, it helps families that require the help of gestational surrogates to have kids. The current law is old and doesn't address this situation. My husband and I have had 2 kids (now 8 and 5) with gestational surrogates in Hawaii. Both are biologically related to one of us and not the surrogate. However, when they were born, the surrogate was viewed as the mother and, in one case, the surrogate's husband was presumed to be the father. This doesn't serve any real purpose. It took months and multiple court proceedings to establish legal parental status and change the birth certificates. The process was lengthy, expensive, not aligned with the expectations of the parties, and not in the best interest of the children. This bill sets standards for surrogacy agreements and permits parties to validated surrogacy agreements to seek pre-birth parentage orders, i.e. orders establishing IPs as parents at birth. This is a common sense solution, adopted in many states, that removes uncertainty and eliminates unnecessary costs for parents. Thank you for your consideration.



Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

My name is Carole LieberWilkins and I have been a Marriage and Family Therapist in the world of infertility and reproductive medicine since 1986. I am the author of *Let's Talk About Egg Donation: Real Stories from Real People*, as well as multiple articles about family building, which can be found on my website. I was among a cohort of professionals who were among the first to advocate for the end of secrecy in donor conception as early as the 1980s. In other words, I've seen many sociological changes in our field, which have ultimately led to this time in history when society and the medical and legal world are forced to look at best practices for the benefit of the people we are helping to create.

I am also the mother of a 38-year-old son who was adopted at birth in an open adoption, with ongoing contact with his first family; and I am the mom to a 37-year-old who is one of the first people in the world conceived through egg donation. Although my son's genetic parent was not known to me at the time I received her eggs, we have been privileged to have had a relationship with her for the last 30 years. There have been numerous times we have had to reach out to her about her and her family's medical history to address a potentially heritable issue that arose in my son. I was and am committed to the fact that both of my sons deserved to know everything knowable about their origins and the people to whom they are genetically related. Why should the son we adopted know more about himself than his brother, simply because it was donor conception and not adoption?

Until recently, the needs and desires of patients, recipient parents, were considered paramount and little attention was paid to the psychological needs of the children those patients would raise. What has changed is direct to consumer DNA tests, as well as the guidance of a generation of donor conceived individuals who benefitted from our advocacy, having been told the truth of their donor conception. It is those individuals who have lent their voices to advocate for change.

People who were donor conceived are now telling us what we already know about human nature. It is normal and natural to be curious about one's genetic relatives and heritage. Have you tested on Ancestry or 23 and Me? Even if you haven't, it is highly likely that one of your relatives have. Two in 10 Americans (21%) say they've taken a mail-in DNA test, and 27% say a close family member has done so. That is approximately 70 million Americans. 70 million Americans have spit into a tube and sent it off for testing! And the majority of those individuals are doing so just for fun—they are looking for what part of Asia their ancestors emigrated from or whatever happened to the child their cousin relinquished for adoption years ago? Every single day I receive calls from men and women who just discovered they were donor conceived and their lives will never be the same; they long for information; they question the identity they'd always thought defined them. Every week I get calls from people who had been sperm or egg donors years ago and they are now being contacted by the individuals conceived with their genetics. The shock and trauma of these events could be avoided if our system changed to meet all of their needs. It is normal and healthy to be curious about who we are and imperative to forming a healthy genetic identity.

It is foolhardy for this Body to think that it is correct to deprive legal adults of information about the people who helped to create them, to deprive them of vital medical history which in so many cases, can be lifesaving. Hawaii will be on the wrong side of history if it cements into law restrictions that do not allow individuals with the right to know vital

Telephone: (310) 470-9049  
MFT Lic. 18998; ID Lic. 5979  
[familybuildingclw@gmail.com](mailto:familybuildingclw@gmail.com) [www.LAfamilybuilding.com](http://www.LAfamilybuilding.com)  
Mailing Address: 29160 Heathercliff Road, #4251  
Malibu, CA 90264



information about who they are. Please don't make a mistake that will cause so much suffering now and in years to come. When we know better, we should do better.

Telephone: (310) 470-9049  
MFT Lic. 18998; ID Lic. 5979  
[familybuildingclw@gmail.com](mailto:familybuildingclw@gmail.com) [www.LAfamilybuilding.com](http://www.LAfamilybuilding.com)  
Mailing Address: 29160 Heathercliff Road, #4251  
Malibu, CA 90264

**SB 1231. SD1: Uniform Parentage Act**  
Repeals the Uniform Parentage Act (UPA) of 1973  
and updates laws relating to parentage, including enacting portions of UPA of 2017

**I oppose the bill** as it is currently written because it doesn't address a need of the children. My comments aim to **advocate for the children who will be created through assisted reproduction** about whom this bill provides a process to determine parentage.

Transparency serves **everyone's best interests by promoting emotionally healthy children and families.**

**Why does this matter?** Information about their own origins is fundamental to a healthy identity and acquiring an accurate, up-to-date medical history. Evidence from the closed adoption system enacted last century shows that it does matter to children and the adults they become to have truthful information about where they came from. You also can find evidence that donor-conceived people are seeking information about their genetic roots.

For **those who always knew about their genetic relationships with their family**, it might be **hard to fully understand the importance of this information.**

**Those of us who grew up without having this basic information about our origins** know how it feels and matters. For example, **sometime in elementary school, I asked my mom if she knew anything about my parents.** She said, "no" and was silent as if I asked the wall. I thought it must be something bad to get no information. I believed her that she didn't know, so I never asked again.

In my 20s I suspected she was hiding family secrets. As I eventually figured out the truth, I didn't like being lied to by the people I trusted. My family was caught in the shame and stigma of that era about premarital sex and birth out of wedlock. Many years later I found out that many extended family members figured out the secret too. My mom just thought she was hiding the truth.

I understand the immense difficulties some may have faced to have children -- the expenses, assisted reproduction, outdated laws and practices that don't match with today's relationships or identities. **What those of us who have lived through not knowing our origins are trying to share, is that we want your children to avoid that same pain and struggle.** I want people to learn from the mistakes of the past and not subject more children to spending energy and resources just to find out the basics of their identity.

From my study of the Hawaiian cultural practice of hanai, children raised with openness about having two moms understood the different meanings of each mom and were relaxed

about it. Secrets are not good for families. Living with openness and transparency help children grow up healthy and accepting who they are.

Some parents of donor-conceived children testified how it was helpful for their family to have made contact with donors. They didn't sound afraid. They sounded positive. It's uncharted territory but like many fears, it's not so scary once faced.

Some other reasons for transparency are for the person to have access to an updated medical history. The medical history collected at the time of gamete donation will only be a snapshot in time from a young person's perspective and is usually from self-report without any verification. Having contact information of one's donor or a path to hopefully get that basic information can be essential especially in the case of a serious medical problem, like needing a kidney or to determine risk of various health problems.

Another example of the value of knowing genetic family information is to avoid someone marrying their sibling when they don't know they are related. Some donor-conceived people have been surprised to find more siblings than expected all resulting from the same sperm donor.

If this bill passes as is, I hope there will be another bill in the future that addresses the need for the children created through assisted reproduction to have access to information about their origins and genetics. Thank you for the opportunity to testify.

Sincerely,

*Kat McGlone*  
Kat McGlone

**SB-1231-SD-1**

Submitted on: 3/12/2025 12:25:31 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Travis Coloma	Individual	Support	Written Testimony Only

Comments:

**Dear Chair and Members of the Committee,**

**I wanted to mahalo you for the opportunity to submit testimony. As a Kānaka Maoli and Maui resident, I am writing in strong support of SB1231 SD1 Uniform Parentage Act. SB1231 SD1 ensures the equal treatment of children born to same-gender couples. This bill upholds our state's and Kānaka Maoli values of 'ohana, inclusion, and respect for all individuals.**

**In Hawai'i we have a legacy that expands 'ohana definitions beyond the Western traditional nuclear family. We see this exemplified by the inclusionary language of referring to kupuna as Auntie or Uncle. Included in this cosmovision is the hānai system that posits family relations outside of genetics.**

**Within my 'ohana, I have seen firsthand the importance of equal treatment of children born to same-gender parents. I have witnessed the struggles faced by my cousins, Aunties, and Uncles who have all raised keiki while being in a same-gender relationship. Despite inequities faced, each of them have demonstrated a selfless commitment to the well being of their keiki that can only be described as true aloha.**

**I invoke the spirit of aloha and ask the committee to enshrine equity for all of our residents. I urge you to advance SB 1231 SD1 as it enshrines equity through remaining congruent to our interconnected, diverse and inclusive culture unique to Hawai'i.**

**Me ke ha aha a,**

**Travis Coloma**

**Waihe'e Maui**

**Senate District 5**

**SB-1231-SD-1**

Submitted on: 3/12/2025 12:54:23 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Meghan	Individual	Support	Written Testimony Only

Comments:

Dear Members of the Committee,

My name is Meghan Walles, and I am asking for your support in updating, expanding, and passing the Uniform Parentage Act reflected in SB1231.

First, our children are something universally across the islands we prioritize. Many children do not have the privilege and necessity of people who will care take them legally, fiscally, emotionally, and spiritually. The lapses are seen in our child supported systems that are over extended. LGBTQ+ and technology supported families, and the children that come from these families, deserve the least invasive cost wise, and extinguishing the energetic tax navigating these complex legal proceedings that are currently present to insure legal access to provide a loving and stable home to children.

Second, specifically to LGBTQ+ families, my step child was exposed to and navigated the weaponization of this loophole which legally extracted almost just under \$100,000.00 from our family, was attempted to be weaponized in the Supreme Court; which thankfully was not heard; and almost extinguished my wife, my and my other children's access and relation to their sibling because of the birth parent weaponizing this loophole when trying to cover for her spouses abuse of their child. My wife experienced a parent's worst nightmare--their child was physically abused at the hands of another adult, and when my wife took the appropriate reporting and legal steps to protect him, the birth parent weaponized the system to protect her spouse over her child; even with CWS validating the abuse, and the spouse being charged by the State and pleading no contest. Due to her child being born prior to legal recognition, with or without marriage, and because she was not the genetic parent, we almost lost her child. We spent so much money, time, and energy that could have gone for supporting this child in their life—unnecessarily if the legal clarity was present in law.

Throughout this process, we have learned how common and expected this is from other queer couples to either bite the financial bullet and fight for your child; which is no guarantee nor do all people have privileges to do so--or lose your child. I see this as frankly, unacceptable. My wife was so intentional with her and her former partner's co-created pregnancy and birthing story, as you have to when utilizing a sperm donor. This child, who had such a beautiful story of wanting to be brought into this world, with love from all including the sperm donor; was weaponized to cause harm to them, and character assassinate my wife to cover for an adults wrongs. We had stellar support from our legal representation, and were able to have her awarded

de facto custodian, yet are still recovering from all of the financial losses, and the emotional taxation for us, and for our children.

I share this with you all as the expansion of the bill is to protect kids--adults are going to do whatever they will do--yet family court and how the State of Hawai'i is looking for the best interest of the child--need to expand upon the language to prevent situations like this loophole from being exploited by anyone else. Anything less, respectfully, is neglectful to our most precious keiki and not in alignment with the core values of what makes Hawai'i, Hawai'i.

Please support in passing SB1231.

Thank you so much for your time and support in this manner.

Sincerely,

Meghan Walles, Makawao, Maui

**SB-1231-SD-1**

Submitted on: 3/12/2025 1:35:14 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anthony Makana Paris	Individual	Support	Written Testimony Only

Comments:

**Testimony in Support of Senate Bill 1231**

*Committee on Judiciary & Hawaiian Affairs*

March 12, 2025

Aloha Chair Tarnas, Vice Chair Poepoe, and Honorable Members of the Committee,

I am writing in **SUPPORT** of the intent of Senate Bill 1231 SD1, which will modernize Hawai‘i’s parentage laws to ensure that all families, regardless of their structure, are treated equally under the law. Hawai‘i’s ‘ohana is diverse, and many families include members who are not necessarily blood-related. However, the state’s existing parentage laws fail to reflect this reality, placing undue burdens on nontraditional ‘ohana—burdens that can lead to emotional distress, financial hardship, and significant legal obstacles.

The current laws fail to provide an adequate legal framework for families that do not fit the narrow and outdated definition of family. LGBTQIA+/MVPFAFF families, in particular, often face the need to go through expensive and invasive legal processes, such as adoption, to establish their parentage. This is not only emotionally taxing but also financially burdensome for families who are simply trying to ensure their legal rights and responsibilities as parents. It is time for us to lift these burdens and ensure that all families in Hawai‘i, no matter how they are formed, are treated with dignity and respect under the law.

Hawai‘i’s family values are deeply rooted in concepts of ‘ohana, which extend beyond biological connections. The Hawai‘i Supreme Court has recognized that a biological connection is not necessary to establish a presumption of parentage. This reflects the reality that families are often made up of people who choose to be family, not just those connected by blood. It is essential that our laws reflect these values and embrace a more inclusive, modern understanding of what constitutes a family.

Senate Bill 1231 SD1 is a critical step toward aligning Hawai‘i’s laws with these values by updating our parentage statutes to better reflect scientific advancements, societal changes, and a growing understanding of diverse family structures. By repealing the outdated Uniform Parentage Act and replacing it with provisions that reflect the work of the Act 156 Task Force, this bill will ensure that all families—whether formed through surrogacy, adoption, or assisted reproductive technology—will have equal legal protections.

The bill addresses a number of key concerns, including:

- Recognizing the legal parentage of non-biological parents, particularly in LGBTQIA+/MVPFAFF families, without the need for expensive and unnecessary legal proceedings.
- Providing clear and consistent standards for parentage determinations, which will reduce uncertainty and ease the process of securing parental rights for all families.
- Ensuring that surrogacy arrangements are legally protected, allowing for parentage to be established before the child is born, thus avoiding potential legal disputes over parental rights.

This bill will provide critical protections for many of Hawai'i's families and ensure that all keiki, regardless of the circumstances of their birth or the makeup of their 'ohana, have the same legal rights and protections. Senate Bill 1231 SD1 reflects Hawai'i's core values of inclusivity, equality, and respect for all families.

As someone who believes in the importance of upholding the diverse and inclusive spirit of our 'ohana, I strongly urge this Committee to advance Senate Bill 1231 SD1 and ensure that all families in Hawai'i are afforded the legal protections they deserve.

Mahalo for your time and consideration.

Me ke aloha,

Anthony Makana Paris

Kapolei, O'ahu

March 12, 2025

To: Rep. David A. Tarnas, Chair  
House Committee on Judiciary & Hawaiian Affairs

From: Carol E. Lockwood

Re: S.B. 1231, Relating to the Uniform Parentage Act

Hearing: March 13, 2025, 2:00 p.m.

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs:

My name is Carol Lockwood, I am an attorney in private practice with the firm of Schlack Ito, LLLC, in Honolulu. I am Hawaii's only member of the Academy of Adoption and Assisted Reproduction Attorneys, an international, non-profit organization of attorneys, judges and other legal professionals dedicated to the competent and ethical practice of adoption and assisted reproduction technology ("ART") law. I am also the family law attorney representative to the Act 156 Task Force recommending updates to Hawaii's Uniform Parentage Act ("UPA") to address broader concepts of families and the use of ART. I am writing in my personal capacity in **strong support** of S.B. 1231.

I have been practicing ART law in the State of Hawaii for approximately fifteen years. While this means I have been blessed to assist in the creation or expansion of hundreds of Hawaii families, it also means that I have had a front row seat from which to witness the chaos, confusion, and sometimes downright heartbreak caused by the lack of clear guidance in our current, outdated statutory regime. Among the many unintended consequences of operating under our current, legally inadequate UPA that I have observed are:

- Confusion over the application of outdated laws to advanced reproductive technology and diverse Hawaii families;
- Harmful misinformation disseminated to Hawaii parents, telling them their families weren't properly formed or that their parental rights could not be legally protected (neither was true);
- A partner being made a legal parent (with the 18-23 year financial and other commitments that implies) of one or more children via ART without his/her consent;
- Women facing the end of their fertile years but unable to use existing embryos or otherwise avail themselves of ART without a current or recent ex-spouse's consent (sometimes even weaponized against them in an embittered divorce);
- Confusion over who constitutes a "donor" and who will be considered a "parent" following ART procedures (a critical distinction for determining parental rights and responsibilities);
- Would-be parents "winging it" in the absence of clear statutory guidance: performing at-home ART procedures, copying random agreements from the Internet, inquiring about "traditional insemination" (i.e., intercourse – which does not constitute insemination), and more; and
- Unequal treatment of infertile and LGBTQ+ individuals and families under the law, as compared with their fertile, heterosexual peers.

While our family courts have been nothing short of heroic in their efforts to institute discipline, consistency, and fairness on these processes using our current statutory regime, they need the clarity and predictability provided by S.B. 1231 which will, among other things –

- Ensure the jurisdiction of Hawaii courts reaches parties entering ART agreements or undergoing ART procedures in the state;

- Provide for the expedited, voluntary establishment of parentage by alleged genetic parents and intended parents through ART (regardless of marital status or gender identity);
- Protect known and anonymous gamete donors from parentage actions (and, thus, child support claims);
- Allow individuals to dispute parentage of children born to their spouse through ART without their consent;
- Establish clear requirements for gestational surrogates, intended parents via gestational surrogacy, and gestational surrogacy agreements;
- Permit the issuance of pre-birth parentage judgments for gestational surrogacies, reducing both the time and cost required to establish parentage;
- Facilitate amendment of birth certificates to reflect children's genetic and/or intended parentage through ART; and
- Mandate recognition of parentage determinations from other states.

To its credit, Hawaii has a time-honored tradition of recognizing that 'ohana can be created in many different ways and take many different forms, but that all are to be equally valued. Nonetheless, infertile and non-cisheteronormative individuals and families have, for too long, been required to navigate a confusing morass of outdated, only marginally applicable statutes to confirm their legal status, rights and responsibilities under Hawaii law. It is a burden not imposed on other Hawaii families. S.B. 1231 would remedy that inequity by updating Hawaii's Uniform Parentage Act to specifically address the use of ART in family-building and ensure the equal treatment of infertile and non-cisheteronormative individuals and families under the law. I therefore respectfully urge the Committee to pass this measure.

Date: March 13, 2025  
To: Chair Tarnas and Members of the House Committee on Judiciary & Hawaiian Affairs  
From: Jeff Esmond  
Subject: SB1231 SD1 Relating to Parentage  
Position: Comments: I support the inclusion of Article 9 (2024) in Part X of SB1231 SD1

---

*"I didn't know.*

*No one told me.*

*Not even the trusted medical professionals that were helping my husband and myself with our attempts at becoming fathers through the use of ART and donor eggs.*

*But in my case I give them the benefit of the doubt. 13 to 18 years ago I don't think there was such an awareness of the implications of donor anonymity.*

*Today there is.*

*And this committee is fortunate to have the opportunity to be fully aware of it.*

*Donor anonymity has implications, most especially for the donor conceived child.*

*And no one can say that identity does not matter here in Hawai'i."*

*- Jeff Esmond*

**Chair Tarnas, Vice Chair Poepoe and Members of the Committee:**

I would like first to thank the Legislature for including state commissions on their list of members within Act 156 of 2023 which established a Task Force to Recommend Amendments to Existing Parentage Laws. This list included both the Hawai'i State Commission on Fatherhood (HS-COF) and the Hawai'i State Commission on the Status of Women (HS-CSW). I sat on the Act 156 Task Force as the representing Commissioner of the HS-COF (I am the Chair). There was no representative from the HS-CSW on the Task Force. My testimony today is personal and my comments are strictly about SB1231 SD1 Part X, which was removed from SB1231, and Article 9 of the Uniform Law Commission's draft bill.

## **SB1231 Hearing on February 11, 2025**

I would also like to thank Chair Rhoads and the Members of the Senate Committee on Judiciary for recognizing that codifying donor anonymity has no place here in the State of Hawai'i and for rightfully removing the outdated version of Article 9 (2017, 2019) from Part X of SB1231.

I have attached my testimony from the prior hearing for SB1231 in which I presented the following two main arguments in response to the Final Report and recommendations of the Act 156 Task Force.

- Why the inclusion of Article 9 (2017, 2019) in the Final Report was faulty, without merit, illogical and hypocritical. I have rebutted every one of their failed arguments.
- Why Article 9 (2024) should be reinserted into the draft bill so that donor conceived children with anonymous donors can be the ones to choose whether to access the identity of their donor.

Your review of my written testimony, attached below, is greatly appreciated as my comments therein are still relevant for SB1231 SD1 and help explain why Article 9 (2024) was not but should have been included in the Task Force's Final Draft Bill. Today I would like to add to that earlier testimony in support of including Article 9 (2024) in Part X of SB1231 SD1.

As per my personal quote above, and as per my prior testimony, I would like to stress my opinion that there seems to be one particular underlying and uninformed belief as regards to choosing a donor: There is a false assumption that, even today, Intended Parents are choosing between anonymous and identifiable donors on a level playing field with a full understanding of the implications of choosing an anonymous donor. It is my belief that Intended Parents' trusted professionals are not informing them of this.

## **SB1231 Hearing on February 11, 2025**

Senator Chris Lee from the Hearing:

*"Do you know your parents? Do you know what it feels like to not?"*

*"What it feels like to not know where you come from and who your parents are, the closest thing I can describe, which is my case too, is the feeling of being lost just in life. Not knowing what direction is forward or back with no ability to look back, but yet at the same time with a level of hopelessness that that answer will never materialize. And for a*

*lot of other folks that I know who have the same experience I did, you know, it creates some really fundamental psychological issues, issues of suicidal ideation and all kinds of other stuff, depending on the case and the person.”*

Senator Lee’s statements are heartfelt, authentic and they speak for themselves.

### **SB1231 Committee Report**

The [Committee Report](#) references an intent to “bring the State’s parentage laws in line with best practices nationwide and reinforce the State's commitment to equality, inclusion, and family justice.”

The Report later states, “Given that anonymous gamete donation in Hawai‘i has broad impacts beyond the State, as gametes collected in Hawai‘i are frequently shipped nationally and internationally, your Committee believes that amendments to this measure are necessary to ensure that donor-conceived individuals have access to information about their genetic origins.”

At this time, the draft of SB1231 SD1 has removed Part X but my understanding of the recommendation is that the bill should be amended by reestablishing Part X and inserting Article 9 (2024).

### **Concluding Thoughts**

If SB1231 SD1 is left as is, the State is essentially looking the other way and ignoring the Committee Report by allowing for anonymous donation in the State of Hawai‘i. States frequently regulate medical practices to protect patients from harmful conduct. This would also be a missed opportunity for the State of Hawaii to protect the rights of all future donor conceived children of Hawaii, as well as their Intended Parents and the donors themselves, and to also eliminate a form of anti-LGBTQ+ discrimination.

I respectfully ask the Committee to take the most pragmatic approach and insert Article 9 (2024) into SB1231 SD1 Part X Information About Donor.

Date: February 11, 2025  
To: Chair Rhoads and Members of the Senate Committee on Judiciary  
From: Jeff Esmond  
Subject: SB1231 Relating to Parentage  
Position: I oppose Part X of SB1231 in favor of Article 9 (2024)

---

*“It’s hypocritical of parents and medical professionals to assume that biological roots won’t matter to the products of the cryobank’s service when the longing for a biological relationship is what brings customers to the bank in the first place.”*

-Bioethics: The Law, Medicine, and Ethics of Reproductive Technologies and Genetics online course

Not only does Part X of SB1231 make that assumption, but it will codify this hypocrisy into State law by formalizing two tiers of donor conceived children, with one tier having a right legally denied to them by the State of Hawai’i by means of unwarranted government intrusion.

As a dad to children conceived by anonymous donation, it is my intent to provide a voice for future donor conceived children of Hawai’i, and by default to future Intended Parents of Hawai’i.

### **Personal Introduction and My Story**

My name is Jeff Esmond. I am currently the Chair of the Hawai’i State Commission on Fatherhood (HS-COF) and I represented HS-COF on the Act 156 Task Force to Recommend Amendments to Existing Parentage Laws. This testimony, however, is not on behalf of the Commission nor the Task Force but is presented as personal testimony on behalf of myself and in support of donor conceived children and their parents.

I am focused strictly on Part X which is taken from Article 9 of the Uniform Law Commission (ULC)’s draft bill. As you will see, my personal experience allows me a particular interest in Part X of this bill.

I am a married gay father who pursued parenthood by means of surrogacy with donor eggs because we wanted a biological connection to our children. Due to costs, the law and accessibility for gay couples at the time, we were unable to do this in Hawai’i and ended up pursuing parenthood in India, when all we wanted to do was to pursue parenthood right here at home. As Intended Parents, we chose anonymous egg donation for the following reasons:

- We were informed that this was what most people did so this was an acceptable choice
- The cost was cheaper than for identifiable donors

- No one, including the professionals involved in the process, explained to us the meaning or implications to our children of using an anonymous donor. We did not even realize to research it. The choice between anonymous donors and identifiable donors was never provided to us ‘on a level playing field’ by the professionals we trusted.
- We felt a sense of insecurity, worried that someone else could possibly have a claim to our children. Now, having been a father for almost 15 years, I recognize that no other person, even biologically related, could replace my relationship with my children. I will always be “Dad”, whether or not I myself am a genetic parent.

While I would never trade my children for the world, if I had the opportunity to do this again, based on what I now know and understand, I would never choose an anonymous donor. This belief does not negate either my children’s existence nor does it harm our relationship.

### **Background of Article 9**

As you know, SB1231’s intent is to update the State’s existing parentage laws to include “current concepts” and to ensure the “equal treatment of children”. The bill is based on the national ULC’s draft, which was updated in full in 2017, with minor updates in 2019, followed by an update to Article 9 in 2024 (see Attachment 1). The Act 156 Task Force adopted most of the current version of the ULC’s current draft bill but, by majority vote, chose to exclude the Article 9 (2024) update in favor of the outdated, and no longer current, version of Section 9 (2017/2019).

As discussed on Page 8 of the Act 156 Final Report (see Attachment 2), “Current Hawai’i law, however, provides no guidance regarding the use of donor gametes, the legal status of donors, or the collection and possible disclosure of information relating to gamete donors.”

The main difference between the drafts of Article 9 is that the outdated versions require the option for anonymous gamete donation, allowing for nonidentifiable donors, whereas the current version opens up gamete donation only to donors who agree that their identity can be released upon request when a donor conceived child has reached at least the age of 18.

Adoption of the outdated versions assumes that Intended Parents understand the difference in the implications between anonymous and identifiable donors and also leads to unequal and discriminatory treatment of children born to Intended Parents seeking biologically related children by means of anonymous donated gametes.

My position here is that donor conceived persons should be the ones to choose as adults whether to access their donor’s identity. This decision should not be withheld or taken away from them before they are even born. Writing Article 9 (2017/2019) into State law would be an unwarranted government intrusion into individual rights. Excluding Article 9 entirely would have a similar effect.

## A Timeline of the Process

### Starting here

Donors, after screening, make a donation, fully aware that they may have a genetic offspring. They are not informed if Intended Parents use their donation, nor whether there is a successful birth.

Under current practice and the outdated Article 9 (2017/2019), they can choose to remain anonymous, or have their identifiable information withdrawn if they later choose to remain anonymous.

### Up to 9 months later

Donor conceived  
child is born

### At a later date

Some Intended Parents, for an assortment of reasons, and for many, after a variety of failed attempts at becoming parents, turn to Assisted Reproductive Technology (ART) with the use of donor gametes (male or female). Identifiable donors are generally more expensive than anonymous donors.

### 18 Years later

Donor conceived child turns 18 and, if donor is identifiable, has the option to learn the identity of their donor and then has the option to contact them.

### **A Reasonable Set of Arguments and a Failed Set of Arguments within the Final Report**

On page 9 in the Birth Heritage section of the Final Report of the Act 156 Task Force, a set of reasonable arguments in favor of Article 9 (2024) are first presented. I would like to highlight bullet point 3 as one reason why donor identity is so important:

“Access to medical history and birth heritage information is important to the physical and mental well-being of donor-conceived children and those children should be able to directly seek information from their donor(s) as adults;”

Medical history does not stop at the time of donation. A donor conceived adult would, through successful communication, have access from their identifiable donor to medical information from at least the past 18 years. Personally, one of my children has a potential heart issue, but if our anonymous donor was in Hawai’i, under Article 9 (2017/2019), we would not be able to reach out to the donor even at age 18 to find out updated heart condition information.

On page 10, a series of failed arguments in support of the outdated Article 9 (2017/2019) are presented. I, as a minority Task Force member, challenged that set of arguments.

Their final arguments lack merit, relevance and even a sense of taking this issue seriously. In fact, you will notice first off that their set of arguments never once considers the donor conceived child. Furthermore, their claims either send a mixed message, are unrelated to this bill or actually hurt their own set of contentions and support instead Article 9 (2024). I will review each argument.

- The first bullet point states:

“Article 9 (2024) would constitute *unwarranted governmental intrusion* into the reproductive freedom of Hawai’i’s intended parents who consider using donor gametes by attempting to regulate/restrict gamete selection and imply standards for permissible/impermissible gamete use.”

I take government intrusion seriously, but this argument is an extreme over-reach. As per the timeline above, the standards related to who is allowed to donate is a part of the process that happens often before the Intended Parents consider selection of donated gametes. Real unwarranted governmental intrusion on reproductive freedom could include for example, if the State actually selects the donor gametes on behalf of the Intended Parents.

As an analogy, the State requires a fertility doctor to go through a process to be licensed in the State of Hawai’i before they can practice. Because Intended Parents must use such doctors, this would be equivalent to stating that the State is imposing unwarranted government intrusion into their reproductive freedom because Intended Parents can only use fertility doctors already licensed in Hawai’i. Their argument does not make sense.

Ironically, as I have already indicated, there would in fact be unwarranted governmental intrusion, but under the outdated Article 9 (2017/2019) that they support, since an anonymous donor conceived child's right to obtain identifying information about themselves would be legally denied to them. This is unacceptable.

- The second bullet point states:

“Article 9 (2024) would codify unequal treatment of infertile, LGBTQ+, and single intended parents by imposing a legal precondition to conception when using donor gametes is considered (i.e., access to genetic father's identifying information) not imposed on fertile, heterosexual couples (noting that anonymous sexual encounters, family schisms, language barriers, illiteracy, destruction/loss of records, and other factors can also prevent access to information regarding genetic parents);”

As a member of the LGBTQ+ community, I take unequal treatment seriously. As a former board member of Equality Hawai'i during the prime of the marriage equality movement, I also take seriously when accusations of LGBTQ+ discrimination are thrown around carelessly, disrespectfully and without merit, as is the case here.

As such, it is unclear from their argument what the unequal treatment is. Their oft repeated defense presented during Task Force meetings was to equate donor conceived children born to LGBTQ+ parents through a lengthy ART process to children born from one-night stands because, if children from one-night stands don't necessarily know who their father is, then why should a child born by means of a donor have that right? The sole testimony presented to the Task Force claiming discrimination completely failed at presenting a logical argument (see my rebuttal in our Task Force meeting of August 9, 2024.)

A true example of anti-LGBTQ+ discrimination is the lack of a requirement for Hawai'i health insurance plans to cover same sex couples pursuing ART. This contributed not only to our increased costs, but to my husband and myself going out of State to pursue parenthood.

To be clear, Article 9 (2024) does not impose a legal precondition to conception, it provides for a commitment to identifiability by screened applicants before they make a donation.

Assuming the Task Force majority's concern for unequal treatment is sincere, if anything, there is unequal treatment in exactly the opposite direction of what they believe. Under the outdated Article 9 (2017/2019), if LGBTQ+ Intended Parents predominately choose anonymous donors, then they too, will have children like mine who will face a difficult, if not impossible, situation in trying to identify a genetic parent, which is unequal treatment compared to Intended Parents with the means to choose identifiable donors.

- The third bullet point states:

“Article 9 (2024) risks imposing additional practical and financial obstacles to parenthood on infertile, LGBTQ+, and single intended parents who consider using donor gametes (many having already experienced years of infertility, miscarriages, invasive/painful procedures, expense, social stigma, and more), including a possible reduction in the donor pool (creating shortages, waitlists, and reduced diversity) and possible cost-prohibitive increases in gamete prices if only identifiable gametes are permissible;”

While these are all legitimate hypotheses, there were no studies or documentation presented to the Task Force which proved that any of these risks would or would not happen so this argument has no validity in this Final Report.

But let’s just suppose that there does continue to be a price difference. This results in two tiers of donor conceived children: those with parents who choose anonymous donors because they are unable to pay more for an identifiable donor due to cost, lack a clear understanding of the difference, or other reason, and those that can identify their donor.

Having one price point will level the playing field and remove such obstacles.

- The fourth bullet point states:

“Adoption of Article 9 (2024) could be premature and *may have limited legal effect, given the current lack of "gamete bank[s] or fertility clinic[s] licensed in the [State of Hawai‘i]"* that collect and distribute anonymous donor gametes.”

This seems to me to contradict the first bullet point. Due to this lack of clarity, during our Task Force meeting of October 25, 2024, I asked how they could offer such competing arguments. Their response was, “It is not intended to make sense to someone who does not share that point of view,” and “Those were both considerations of the Task Force.”

I don’t know why an argument would not be intended to make sense, unless it is meant to mislead or gaslight the reader. Also, a conversation alone does not render a topic compelling or deserving to be considered a legal argument.

- Their fifth bullet point states:

“The rigorous donor screening process, extensive donor information provided to intended parents by gamete banks, and the availability of commercial genetic testing, collectively, go a long way towards *mitigating* the impact of donor "anonymity";”

Do the number of pages of non-identifying donor information available at the time of donation override the desire or right of a person to know their identity? Does connecting to donor siblings through DNA testing override the desire or right of a person to know their donor’s identity? Whether a donor recipient has 6 or 86 pages, whether they have

connected to donor siblings, whatever information is available outside of this bill is irrelevant.

Furthermore, a donor conceived adult at age 18 may have no interest at that time in obtaining their donor's identification, but that desire may change over time. Finally, the availability of genetic testing does not give the State the right to withhold and deny a right.

Moreover, this argument is disingenuous and actually serves against their position because, if there is indeed sincere concern to 'mitigate' the impact of donor anonymity, they would have voted in favor of Article 9 (2024).

- The last bullet point states:

“Practical limitations undermine the effectiveness of the mandatory disclosure, upon the donor-conceived person's request for donor-identifying information under Article 9 (2024), because it does not compel donor engagement or communication with the donor-conceived person, so positive outcomes rely on voluntary donor cooperation under either version of Article 9.”

As an analogy, I will pose the question – does the State have an interest, once it has issued a Marriage License, in the relationship between the married couple 18 years after marriage? Their argument is immaterial and has nothing to do with this bill.

Ultimately, there is not one single argument presented in favor of Article 9 (2017/2019) that is compelling, well thought out or worthy of consideration.

### **Concluding Thoughts**

It would be unwarranted government intrusion should the State of Hawai'i codify into law that not all donor conceived children would have the opportunity to learn their identity upon reaching age 18.

Donor conceived children are human beings who should be the ones to have the opportunity to choose whether to request information about their identity upon adulthood.

Even a child raised in a 'well adjusted' family deserves this opportunity. If SB1231 passes with the outdated Article 9 (2017/2019), this will effectively legislate an entire generation of anonymous donor conceived children out of the ability to legally determine who their genetic parents are.

On behalf of Hawai'i's future children, the most current version of Article 9 (2024) should replace the outdated Article 9 (2017/2019) that is currently in Part X of SB1231. Excluding Article 9 entirely would be the same as sanctioning unwarranted government intrusion and would also result in unequal treatment of donor conceived children.

ATTACHMENT 1  
Article 9 (2024)

**[ARTICLE] 9**

**INFORMATION ABOUT DONOR**

**Comment**

Article 9 is a new addition to the UPA. The content of this article was not included in UPA (2002). The content of new Article 9 is premised on a Washington State provision. Wash. Rev. Code § 26.26.750. A revision to Article 9 was approved in December 2023.

**SECTION 901. DEFINITIONS.** In this [article]:

(1) “Identifying information” means:

(A) the full name of a donor;

(B) the date of birth of the donor; and

(C) the permanent and, if different, current address, telephone number, and

electronic mail address of the donor at the time of the donation.

(2) “Medical history” means information regarding any:

(A) present illness of a donor;

(B) past illness of the donor; and

(C) social, genetic, and family history pertaining to the health of the donor.

**SECTION 902. APPLICABILITY.** This [article] applies only to gametes collected on or after [the effective date of this [act]].

**SECTION 903. COLLECTION OF INFORMATION.**

(a) A gamete bank or fertility clinic licensed in this state shall collect from a donor the donor's identifying information and medical history at the time of the donation.

(b) A gamete bank or fertility clinic licensed in this state which receives gametes of a donor collected by another gamete bank or fertility clinic shall collect the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

(c) A gamete bank or fertility clinic licensed in this state shall disclose the information collected under subsections (a) and (b) as provided under Section 905.

**SECTION 904. (RESERVED).**

**SECTION 905. DISCLOSURE OF IDENTIFYING INFORMATION AND MEDICAL HISTORY.**

(a) On request of a child conceived by assisted reproduction who attains 18 years of age, a gamete bank or fertility clinic licensed in this state which collected the gametes used in the assisted reproduction shall provide the child with identifying information of the donor who provided the gametes.

(b) Regardless whether a child has made a request under Section 905(a), on request of a child conceived by assisted reproduction who attains 18 years of age, or, if the child is a minor, of a parent or guardian of the child, a gamete bank or fertility clinic licensed in this state which collected the gametes used in the assisted reproduction shall provide the child or, if the child is a minor, the parent or guardian of the child, access to nonidentifying medical history of the donor.

(c) On request of a child conceived by assisted reproduction who attains 18 years of age, or, if the child is a minor, of a parent or guardian of the child, a gamete bank or fertility clinic licensed in this state which received the gametes used in the assisted reproduction from another gamete bank or fertility clinic shall disclose to the child or, if the child is a minor, the parent or guardian of the child, the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

**SECTION 906. RECORDKEEPING.**

(a) A gamete bank or fertility clinic licensed in this state which collects gametes for use in assisted reproduction shall maintain identifying information and medical history about each gamete donor. The gamete bank or fertility clinic shall maintain records of gamete screening and testing and comply with reporting requirements, in accordance with federal law and applicable law of this state other than this [act].

(b) A gamete bank or fertility clinic licensed in this state that receives gametes from another gamete bank or fertility clinic shall maintain the name, address, telephone number, and electronic mail address of the gamete bank or fertility clinic from which it received the gametes.

**C. Birth Heritage**

A common feature of assisted reproductive technology (ART) is the use of donated gametes (ova and sperm) when intended parents' gametes are unavailable or not recommended for use in ART procedures (e.g., intrauterine insemination or in vitro fertilization). Current Hawai'i law, however, provides no guidance regarding the use of donor gametes, the legal status of donors, or the collection and possible disclosure of information relating to gamete donors. The legal status of donors and the availability of donor information to donor-conceived persons has become an increasingly important area of discussion. This area also continues to be in flux, as evidenced by the promulgation of a new UPA article regulating the handling of donor information during the task force's tenure.

The task force's discussion on this topic focused on competing versions of an article in the UPA that regulates donor information—Article 9. The first version of Article 9 (Article 9 (2017)) was promulgated in 2017 and is currently adopted in California and Washington. The second version, which is substantially similar to the Article 9 (2017) (Article 9 (2019)), is currently adopted in Rhode Island and Connecticut. The most recent version (Article 9 (2024)) was promulgated in 2024 and has not yet been adopted by any state. All iterations of Article 9 require that gamete banks and fertility clinics "licensed in the state" collect and preserve donors' "identifying information" (i.e., name, date of birth, and address) and "medical history" (i.e., present illness, past illness, and social, genetic, and family history pertaining to the health of the donor) at the time of donation. Article 9 (2024) differs substantially, however, from Article 9 (2019) and Article 9 (2017) in the applicable disclosure requirements:

- Article 9 (2017) and Article 9 (2019) require that gamete banks and fertility clinics "licensed in the state" obtain a declaration from each donor stating whether the donor agrees or does not agree to the disclosure of his/her/their identity to the donor-conceived person upon reaching age eighteen. If the declaration states that the donor does not agree to disclosure, his/her/their identifying information may be released only upon withdrawal of the declaration (with the bank/clinic required to make a good faith effort to contact the donor to offer the opportunity to withdraw the declaration). Regardless of the content of the donor declaration, however, upon the request of the adult donor-conceived person (or the legal parents of a minor donor-conceived person), the bank/clinic is required to make a good faith effort to provide the adult donor-conceived person (or the legal parents of the minor donor-conceived person) with access to the non-identifying medical history of the donor.
- Article 9 (2024) does not provide for a declaration from donors regarding their agreement to disclose their identity to the donor-conceived child. Instead, gamete banks and fertility clinics are directed to collect donor identifying information and medical history at the time of donation, Appx. C, section 903(a), and "[o]n request of a child conceived by assisted reproduction who attains 18 years of age, a gamete bank or fertility clinic . . . which collected the gametes used in the assisted reproduction shall provide the child with identifying information of the donor who provided the gametes." Appx. C, section 905(a).

Additionally, gamete banks and fertility clinics are to provide the child conceived by assisted reproduction who attains 18 years of age, "or, if the child is a minor, the parent or guardian of the child, access to nonidentifying medical history of the donor" upon request. Appx. C, Section 905(b).

The primary difference between these iterations of Article 9, therefore, is that Article 9 (2017) and Article 9 (2019) do not mandate disclosure of donor-identifying information and would therefore preserve the option for the banking and use of anonymous donor gametes in the State of Hawai'i; whereas Article 9 (2024) mandates disclosure of donor-identifying information upon the request of the adult donor-conceived person, and would therefore effectively prohibit the banking and use of anonymous donor gametes by banks/clinics in the State of Hawai'i.

There was clear consensus within the task force with regard to the requirement that a non-identifying medical history be released to the adult donor-conceived person (or the legal parents of a minor donor-conceived person) upon request. With respect to the disclosure of donor-identifying information, however, the task force contended with competing interests and policy considerations:<sup>7</sup>

(1) Arguments in Favor of Article 9 (2024):

- It is the current version adopted by the ULC, after its own investigation and deliberation on release of donor information;
- The donor-conceived person lacks the ability, at their birth, to provide informed consent about their donor's anonymity, and thus it balances the interests of the donor-conceived person by allowing them to seek donor information as an adult;
- Access to medical history and birth heritage information is important to the physical and mental well-being of donor-conceived children and those children should be able to directly seek information from their donor(s) as adults;
- Genetic parent and genetic family heritage, health, and medical information can be vital to the diagnosis and treatment of medical conditions in donor-conceived children and adults;
- The similar concerns of adult adoptees and donor-conceived adults suggest that, upon turning 18, donor-conceived adults should be granted the same access to birth heritage information as is guaranteed to adult adoptees under Hawai'i law;
- Cultural trends are moving away from anonymity in both adoption and donor conception and toward greater transparency and information sharing. Some gamete banks have announced plans to stop offering anonymous donor gametes.

---

<sup>7</sup> A more detailed exposition of each position can be found in the Birth Heritage PIG reports and the oral/written public testimony submitted to the task force at <https://ag.hawaii.gov/act-156-task-force-on-parentage-laws/>.

- As a practical matter, donor "anonymity" is largely a fallacy, due to the availability of commercial genetic testing, donor sibling registries, and other available databases;
- Informal methods of deriving birth heritage information (including commercial genetic testing and sibling registries) are not always accurate or complete. Planned disclosure of gamete donors' identity allows the sharing of more accurate information.

(2) Arguments in Favor of Article 9 (2017) and (2019):

- Article 9 (2024) would constitute unwarranted governmental intrusion into the reproductive freedom of Hawaii's intended parents who consider using donor gametes by attempting to regulate/restrict gamete selection and imply standards for permissible/impermissible gamete use. In the process, it would regulate donor anonymity in a way that is not mirrored for known physical harms (like genetic defects, chromosomal abnormalities, and hereditary disabilities) and recognized situational risks (like family violence, neglect, and substance abuse);
- Article 9 (2024) would codify unequal treatment of infertile, LGBTQ+, and single intended parents by imposing a legal precondition to conception when using donor gametes is considered (i.e., access to genetic father's identifying information) not imposed on fertile, heterosexual couples (noting that anonymous sexual encounters, family schisms, language barriers, illiteracy, destruction/loss of records, and other factors can also prevent access to information regarding genetic parents);
- Article 9 (2024) risks imposing additional practical and financial obstacles to parenthood on infertile, LGBTQ+, and single intended parents who consider using donor gametes (many having already experienced years of infertility, miscarriages, invasive/painful procedures, expense, social stigma, and more), including a possible reduction in the donor pool (creating shortages, waitlists, and reduced diversity) and possible cost-prohibitive increases in gamete prices if only identifiable gametes are permissible;
- Adoption of Article 9 (2024) could be premature and may have limited legal effect, given the current lack of "gamete bank[s] or fertility clinic[s] licensed in the [State of Hawai'i]" that collect and distribute anonymous donor gametes.<sup>8</sup> That being the case, Hawai'i should wait and observe the actual impact of Article 9 (2024) in other states, rather than adopting it here based on assumptions about its likely impact;

---

<sup>8</sup> Per Dr. John Frattarelli, a Hawai'i reproductive endocrinologist, Founder, Medical, Practice and Laboratory Director for the Fertility Institute of Hawaii, a member of the American Society for Reproductive Medicine, and the designated health care professional member of the task force.

- The rigorous donor screening process, extensive donor information provided to intended parents by gamete banks, and the availability of commercial genetic testing, collectively, go a long way towards mitigating the impact of donor "anonymity"; and
- Practical limitations undermine the effectiveness of the mandatory disclosure, upon the donor-conceived person's request for donor-identifying information under Article 9 (2024), because it does not compel donor engagement or communication with the donor-conceived person, so positive outcomes rely on voluntary donor cooperation under either version of Article 9.

This issue was discussed at length in several task force meetings. The task force ultimately voted, ten-to-two, to recommend the adoption of the disclosure of donor identifying information policies of Article 9 (2017) and (2019). Thus, the proposed new chapter includes Article 9 (2019) (see part X). The goal of adopting Article 9 (2019) is to improve Hawai'i law by (1) ensuring the collection and preservation of gamete donors' identifying information, and (2) requiring the release of donors' non-identifying medical history upon the request of adult donor-conceived persons or the legal parents of minor donor-conceived persons, without unreasonably intruding on the private procreative decision-making of Hawaii's intended parents who consider donor gametes or subjecting infertile, LGBTQ+, and single intended parents to inequitable treatment or further burdening their path to parenthood. However, a copy of Article 9 (2024) is also included as Appendix C for the legislature's consideration.

**SB-1231-SD-1**

Submitted on: 3/13/2025 1:02:42 PM

Testimony for JHA on 3/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tiffany Yamauchi	Individual	Support	Written Testimony Only

Comments:

**Dear Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:**

I would like to express my support for SB1231 and respectfully ask that the committee include the updated 2024 Article 9 of the Uniform Parentage Act in this bill. Inclusion of the 2024 Article 9 would ensure that donor-conceived people, like myself, have the legal right to access information about our genetic origins, just as adoptees already do in Hawaii, and as surrogacy-born people would under this bill.

I ask for this change to SB1231 because I believe that the practice of donor anonymity harms the children born from gamete donations, the parents raising them, and even the donors themselves.

I was raised in a Japanese and Okinawan family, and from the time I was a child, I was regularly questioned by people outside my family about what my ethnicity was. My answer was always met with surprise and, at times, disbelief. So many people assumed I was hapa. Whenever someone questioned why I looked the way I looked, I would double down, insisting it was because of my Okinawan eyes, but really I didn't know why I looked that way either. So, when I found out at age 34 that I was conceived by anonymous sperm donation, I immediately took a DNA test. I discovered that I'm also White and Korean.

It was such a relief. A relief to finally have some understanding of what I see in the mirror every day. To have some understanding of why I'm the tallest woman in my family. To know that I'm mixed race and not an Asian person who looks *wrong*. It was a relief, but I also felt grief for all the years I spent feeling confused and insecure about my features, and for the toll that it took on my mental health.

Donor anonymity deprives donor-conceived people, like myself, of the right to know not only their genetic heritage and family, but, potentially, their own race, ethnicity and culture. It also deprives recipient parents of the ability to ensure such information will be available for their child. In the 80's, my parents didn't have a choice. An anonymous donor was the only option at their clinic. I would hope that if they were going through the process in 2025, they would be supported in making a different choice.

The 2024 Article 9 would give parents the ability to ensure that their child could access family medical history and records about their genetic origins from the clinic, when reaching adulthood,

instead of having to rely on commercial DNA testing to try to identify their genetic parent and this information, like I did.

I also believe the practice of donor anonymity is harmful to donors. The idea of donor anonymity offers a false promise to donors, enabling people to contribute their sperm, eggs or embryos without fully considering the potential impact of being known to the people they are helping to create. I was able to identify my genetic parent eight days after receiving my DNA test results, through records research alone, and with my closest DNA match being a second cousin whose profile only included their initials. True anonymity in the age of commercial DNA testing cannot be guaranteed. However, without the inclusion of the 2024 Article 9 in SB1231, anonymous gamete donation will still be a legal option.

SB1231 is a great step in the right direction for our ohana. Please consider making it truly inclusive by protecting the rights of donor-conceived people and their parents, as well as the ability of donors to make well informed decisions, and include the 2024 Article 9. Mahalo for your consideration.