STAND. COM. REP. NO.

Honolulu, Hawaii MAR - 1 2013

RE: S.B. No. 516 S.D. 1

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 516 entitled:

"A BILL FOR AN ACT RELATING TO PATERNITY,"

begs leave to report as follows:

The purpose and intent of this measure is to remove the time bar on actions to declare the existence or nonexistence of a father and child relationship for certain proceedings.

Your Committee received testimony in support of this measure from the Legal Aid Society of Hawai'i.

Your Committee finds that according to the testimony submitted by the Legal Aid Society of Hawaii, many people in Hawaii seek to establish paternity for various purposes, including Hawaiian ancestry purposes to take advantage of programs and public benefits for themselves and for their children. Existing law does not permit a litigant to establish paternity if the given time periods have expired. This measure removes the time bar on actions to declare the existence or nonexistence of a father and child relationship for certain proceedings.

However, according to the Legal Aid Society of Hawaii, it is a common practice of the Family Court to permit a litigant who fails to meet the time bar requirements under law to file a paternity action for good cause shown. The Legal Aid Society of Hawaii indicated in its written testimony that although the intent of this measure is to remove the time bar on filing a paternity



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action, the amendments remove the court's power to hear paternity actions except for cases involving adoptions, and the Legal Aid Society of Hawaii has suggested amendments to accurately reflect the intent of this measure.

Your Committee has amended this measure by:

- Adopting the amendments submitted by the Legal Aid Society of Hawaii to clarify that the time bar on paternity actions may be removed by the court for good cause shown;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 516, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 516, S.D. 1, and be placed on the calendar for Third Reading.

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Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

CLÀYTON HEE, Chair

## The Senate Twenty-Seventh Legislature State of Hawai'i

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:			Date:	
SB 5 16	JL	2	0	02-07-13	
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)		$\checkmark$			
SHIMABUKURO, Maile S.L. (VC)					
GABBARD, Mike		$\checkmark$			
IHARA, Jr., Les		V			
SLOM, Sam					
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					N
TOTAL		5			
Recommendation:					
Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod					
File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

\*Only one measure per Record of Votes