

JAN 21 2022

A BILL FOR AN ACT

RELATING TO THE UNIFORM PARENTAGE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. This measure enacts the Uniform Parentage Act of 2017 (UPA) to replace the Uniform Parentage Act of 1973. The UPA seeks to do the following: ensure the equal treatment of children born to same-sex couples, establish a de facto parent as a legal parent, include surrogacy provisions to reflect developments in that area, and address the rights of children born through assisted reproductive technology.

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

"CHAPTER

UNIFORM PARENTAGE ACT

PART I. GENERAL PROVISIONS

§ -1 Short title. This chapter may be cited as the Uniform Parentage Act.

§ -2 Definitions. As used in this chapter:



1 "Acknowledged parent" means an individual who has
2 established a parent-child relationship under part III.

3 "Alleged genetic parent" means an individual who is alleged
4 to be, or alleges that the individual is, a genetic parent or
5 possible genetic parent of a child whose parentage has not been
6 adjudicated. "Alleged genetic parent" does not include a
7 presumed parent, an individual whose parental rights have been
8 terminated or declared not to exist, or a donor.

9 "Assisted reproduction" means a method of causing pregnancy
10 other than sexual intercourse, including intrauterine or
11 intracervical insemination, donation of gametes, donation of
12 embryos, in-vitro fertilization and transfer of embryos, and
13 intracytoplasmic sperm injection.

14 "Birth" includes stillbirth.

15 "Child" means an individual of any age whose parentage is
16 determined pursuant to this chapter.

17 "Child support enforcement agency" means a state agency
18 created pursuant to chapter 576D.

19 "Determination of parentage" means establishment of a
20 parent-child relationship by judicial or administrative



1 proceeding or signing of a valid acknowledgement of parentage
2 under part IV.

3 "Donor" means an individual who provides gametes intended
4 for use in assisted reproduction, whether or not for
5 consideration. "Donor" does not include an individual who gives
6 birth to a child conceived by assisted reproduction except as
7 otherwise provided in part VIII, a parent under part VIII, or an
8 intended parent under part IX.

9 "Gamete" means sperm, egg, or any part of a sperm or egg.

10 "Genetic testing" means an analysis of genetic markers to
11 identify or exclude a genetic relationship.

12 "Individual" means a natural person of any age.

13 "Intended parent" means an individual, married or
14 unmarried, who manifests an intent to be legally bound as a
15 parent of a child conceived by assisted reproduction.

16 "Parent" means an individual who has established a parent-
17 child relationship under section -6.

18 "Parentage" or "parent-child relationship" means the legal
19 relationship between a child and a parent of the child.

20 "Presumed parent" means an individual who under section
21 -8 is presumed to be a parent of a child unless the



1 presumption is overcome in a judicial proceeding, a valid denial
2 of parentage is made under part V, or a court adjudicates the
3 individual to be a parent.

4 "Signatory" means an individual who signs a record.

5 "Transfer" means a procedure for assisted reproduction by
6 which an embryo or sperm is placed within the reproductive tract
7 of the individual who will give birth to the child.

8 "Witnessed" means that at least one individual who is
9 authorized to sign and has signed a record to verify that the
10 individual personally observed a signatory sign the record.

11 PART II. JURISDICTION

12 § -3 Jurisdiction; venue. (a) Without limiting the
13 jurisdiction of any other court, the family court has
14 jurisdiction over an action brought under this chapter or
15 chapter 583A. The action may be joined with an action for
16 divorce, annulment, separate maintenance, or support.

17 (b) An individual who has sexual intercourse, undergoes or
18 consents to assisted reproductive technology, or consents to
19 assisted reproductive technology agreements in the State thereby
20 submits to the jurisdiction of the courts of the State as to an
21 action brought under this chapter with respect to a child who



1 may have been conceived by that act of intercourse or assisted
2 reproductive technology, regardless of where the child is born.
3 In addition to any other method provided by statute, personal
4 jurisdiction may be acquired by personal service outside the
5 State or by service by certified or registered mail, postage
6 prepaid, with return receipt requested.

7 (c) In addition to any other method of service provided by
8 statute or court rule, if the respondent is not found within the
9 circuit, the court may authorize service by registered or
10 certified mail, with request for a return receipt and direction
11 to deliver to addressee only. The return receipt signed by the
12 respondent shall be prima facie evidence that the respondent
13 accepted delivery of the complaint and summons on the date set
14 forth on the receipt. For service effectuated by registered or
15 certified mail, an electronic copy or facsimile of the signature
16 of the served individual or certified mailers provided by the
17 United States Postal Service shall constitute valid proof of
18 service on the individual. Actual receipt by the respondent of
19 the complaint and summons sent by registered or certified mail
20 shall be the equivalent to personal service on the respondent by
21 an authorized process server as of the date of the receipt.



1 (d) If it appears to the court that the respondent has
2 refused to accept service by registered or certified mail or is
3 concealing oneself or evading service, or the petitioner does
4 not know the address or residence of the respondent and has not
5 been able to ascertain the same after reasonable and due inquiry
6 and search, the court may authorize notice of the paternity
7 action and the time and date of hearing by publication or by any
8 other manner that is reasonably calculated to give the party
9 actual notice of proceedings and an opportunity to be heard,
10 including the following:

11 (1) When publication is authorized:

12 (A) The summons shall be published once a week for
13 four consecutive weeks in a publication of
14 general circulation in the circuit;

15 (B) The publication of general circulation shall be
16 designated by the court in the order for
17 publication of the summons;

18 (C) Notice by publication shall have the same force
19 and effect as such individual having been
20 personally served with the summons; provided that
21 the date of the last publication shall be set no



1 less than twenty-one days prior to the return
2 date stated in the summons; and

3 (D) Proof of service shall be satisfied by an
4 affidavit or declaration by the authorized
5 representative for the publication that the
6 notice was given in the manner prescribed by the
7 court;

8 (2) When posting to an online publication website is
9 authorized, proof of service shall be satisfied by an
10 affidavit or declaration by the authorized
11 representative for the publication that the notice was
12 given in the manner prescribed by the court;

13 (3) When service by electronic mail or posting to a social
14 networking account is authorized, proof of service
15 shall be satisfied by an affidavit or declaration by
16 the process server that the notice was given in the
17 manner prescribed by the court; and

18 (4) When service is made by posting to a public bulletin
19 board, proof of service shall be satisfied by an
20 affidavit or declaration by the process server that



1 the notice was given in the manner prescribed by the
2 court.

3 (e) The action may be brought in the county in which:

4 (1) The child or any parent is present or domiciled;

5 (2) The child was born;

6 (3) Proceedings for probate of the parent's estate have
7 been or could be commenced if a parent is deceased;

8 (4) Reproductive technology was performed; or

9 (5) As specified in the choice of law provision of a
10 surrogacy agreement, if any.

11 **§ -4 Parentage determinations from other states and**
12 **territories.** Parentage determinations from other states and
13 territories, whether established through voluntary
14 acknowledgement or through administrative or judicial processes,
15 shall be treated the same as a parentage adjudication in the
16 State.

17 **§ -5 Who may bring action; when action may be brought;**
18 **process; warrant; bond.** (a) The following may bring an action
19 for the purpose of declaring the existence or nonexistence of a
20 parent and child relationship:

21 (1) A child or guardian ad litem of the child;



(2) An individual who is the child's parent under this chapter;

(3) An individual whose parentage of the child is to be adjudicated;

(4) A personal representative or parent if the parent has died, or their personal representative or parent if the individual who otherwise would be entitled to maintain a proceeding but is deceased; or

(5) The child support enforcement agency.

(b) Actions brought pursuant to this chapter shall be brought in accordance with the following:

(1) If the child is the subject of an adoption proceeding, action may be brought:

(A) Within thirty days after the date of the child's birth in any case when a parent relinquishes the child for adoption during the thirty-day period; or

(B) At any time prior to the date of execution by a parent of a valid consent to the child's adoption, or prior to placement of the child with adoptive parents;



1 (2) If the child has not become the subject of an adoption
2 proceeding, within three years after the child reaches
3 the age of majority or any time after that for good
4 cause; provided that any period of time during which
5 the individual whose parentage is to be adjudicated is
6 absent from the State or is openly cohabitating with a
7 parent of the child or is contributing to the support
8 of the child, shall not be computed;

9 (3) This section shall not extend the time within which a
10 right of inheritance or a right to a succession may be
11 asserted beyond the time provided by law relating to
12 distribution and closing of decedents' estates or to
13 the determination of heirship, or otherwise; and

14 (4) A personal representative may be appointed by the
15 court upon a filing of an ex parte motion by one of
16 the parties entitled to file a paternity action;
17 provided that probate requirements need not be met;
18 provided further that appointment of the personal
19 representative is limited to representation in
20 proceedings under this chapter.



1 (c) When an action is brought under this section, process
2 shall issue in the form of a summons and an order directed to
3 the individual whose parentage of the child is to be
4 adjudicated, requiring each to appear and to show cause why the
5 action should not be brought.

6 If, at any stage of the proceedings, there appears probable
7 cause to believe that the individual whose parentage is to be
8 adjudicated will fail to appear in response thereto, or will
9 flee the jurisdiction of the court, the court may issue a
10 warrant directed to the sheriff, deputy sheriff, or any police
11 officer within the circuit, requiring the individual to be
12 arrested and brought for pre-trial proceedings before the family
13 court. Upon such pre-trial proceedings, the court may require
14 the individual to enter into bond with good sureties to the
15 State in a sum to be fixed by the court for each individual's
16 appearance and the trial of the proceeding in the family court.
17 If the individual whose parentage is to be adjudicated fails to
18 give the bond required, the court may commit that individual to
19 the custody of the chief of police of the county, where that
20 individual shall remain until the individual enters into the
21 required bond or otherwise is discharged by due process of law.



1 If the individual whose parentage is to be adjudicated fails to
2 appear in any proceeding under this chapter, any bond for that
3 individual's appearance in any proceeding under this chapter
4 shall be forfeited; provided that the trial of, or other
5 proceedings in, the action, shall nevertheless proceed as though
6 that individual were present and upon its findings, the court
7 shall make such orders as it deems proper as though that
8 individual were present.

9 In case of forfeiture of any appearance bond, the money
10 collected upon the forfeiture shall be applied in payment of the
11 judgment against the individual if they are adjudicated to be a
12 parent under this chapter.

13 (d) Regardless of its terms, an agreement, other than an
14 agreement approved by the court in accordance with section
15 -12(a)(2), between a parent and the individual whose
16 parentage is to be adjudicated, shall not bar an action under
17 this section.

18 (e) Except as otherwise provided in section -56, if an
19 action under this section is brought before the birth of the
20 child, all proceedings shall be stayed until after the birth



1 except service of process and the taking of depositions to
2 perpetuate testimony.

3 (f) Subject to the requirements of section -8(1)(A),
4 with respect to a child conceived who was not conceived through
5 assisted reproduction, where a married individual has not had
6 sexual contact with their spouse nor resided in the same house
7 with the spouse for at least three hundred days prior to the
8 birth of the child and the spouse cannot be contacted after due
9 diligence, the court may accept an affidavit by the married
10 individual attesting to their diligent efforts to contact their
11 spouse and providing clear and convincing evidence to rebut the
12 presumption of the parentage of the subject child, and upon the
13 court's satisfaction, notice of the spouse may be waived and the
14 spouse need not be made a party in the parentage proceedings.
15 The court, after receiving evidence, may also enter a finding of
16 non-parentage of the spouse.

17 (g) With respect to a child who was not conceived through
18 assisted reproduction, where a married individual has not had
19 sexual contact with their spouse nor resided in the same house
20 with the spouse for at least three hundred days prior to the
21 birth of the child, and the biological parent is known,



1 parentage in the married spouse may be disestablished by
2 submission of affidavits of both spouses and biological parent
3 that states the name and birthdate of the child and
4 acknowledgement that the spouse is not the parent and that the
5 natural parent should be adjudicated as the legal parent.

6 **PART III. PARENT-CHILD RELATIONSHIP**

7 **§ -6 Establishment of parent-child relationship.** A
8 parent-child relationship is established between an individual
9 and a child if:

- 10 (1) The individual gives birth to the child, except as
11 otherwise provided in part IX;
- 12 (2) There is a presumption under section -8 of the
13 individual's parentage of the child, unless the
14 presumption is overcome in a judicial proceeding or a
15 valid denial of parentage is made under part V;
- 16 (3) The individual is adjudicated a parent of the child
17 under part V;
- 18 (4) The individual adopts the child;
- 19 (5) The individual acknowledges parentage of the child
20 under part IV, unless the acknowledgment is rescinded



1 under section -11(d) or successfully challenged

2 under part IV or V;

3 (6) The individual's parentage of the child is established

4 under part VIII; or

5 (7) The individual's parentage is established under part

6 IX.

7 § -7 Relationship not dependent on marriage. A parent-
8 child relationship extends equally to every child and parent,
9 regardless of the marital status of the parent.

10 § -8 Presumption of parentage. An individual is
11 presumed to be a parent of a child if:

12 (1) Except as otherwise provided under part IX or other
13 State law:

14 (A) The individual and the individual who gave birth
15 to the child are married to each other and the
16 child is born during the marriage, regardless
17 whether the marriage is or could be declared
18 invalid;

19 (B) The individual and the individual who gave birth
20 to the child were married to each other and the
21 child is born no later than three hundred days



1 after the marriage is terminated by death,
2 divorce, annulment, or after a decree of
3 separation, regardless whether the marriage is or
4 could be declared invalid; or

5 (C) The individual and the individual who gave birth
6 to the child married each other after the birth
7 of the child, regardless whether the marriage is
8 or could be declared invalid; the individual at
9 any time asserted parentage of the child; and the
10 individual agreed to be and is named as a parent
11 of the child on the birth certificate of the
12 child;

13 (2) The individual resided in the same household with the
14 child prior to the child reaching the age of majority,
15 including any period of temporary absence, and openly
16 held out the child as the individual's child;

17 (3) The individual is deemed a genetic parent pursuant to
18 section -24; or

19 (4) If voluntary establishment is completed pursuant to
20 part IV of this chapter.

21 **PART IV. VOLUNTARY ESTABLISHMENT OF PARENTAGE**



1 **§ -9 Acknowledgement of parentage.** An individual who
2 gave birth to a child and an alleged genetic parent of the
3 child, intended parent under part VIII, or presumed parent may
4 sign an acknowledgment of parentage to establish the parentage
5 of the child.

6 **§ -10 Execution of acknowledgement of parentage.** (a)
7 An acknowledgment of parentage under section -6 shall:

8 (1) Be in a record signed by the individual who gave birth
9 to the child and by the individual seeking to
10 establish a parent-child relationship, and the
11 signatures shall be witnessed or be attested by a
12 notary public;

13 (2) State that the child whose parentage is being
14 acknowledged:

15 (A) Does not have a presumed parent other than the
16 individual seeking to establish the parent-child
17 relationship or has a presumed parent whose full
18 name is stated; and

19 (B) Does not have another acknowledged parent,
20 adjudicated parent, or individual who is a parent



1 of the child under part VIII or IX other than the
2 individual who gave birth to the child; and

3 (3) State that the signatories understand that the
4 acknowledgment is the equivalent of and adjudication
5 of parentage of the child and that a challenge to the
6 acknowledgment is permitted only under limited
7 circumstances and is barred two years after the
8 effective date of the acknowledgment.

9 (b) An acknowledgement of parentage is void if, at the
10 time of signing:

11 (1) An individual other than the individual seeking to
12 establish parentage is a presumed parent, unless a
13 denial of parentage by the presumed parent in a signed
14 record is filed with the department of health; or

15 (2) An individual, other than the individual who gave
16 birth to the child or the individual seeking to
17 establish parentage, is an acknowledged or adjudicated
18 parent or a parent under part VIII or IX.

19 § -11 Expedited process of parentage. (a) To expedite
20 the establishment of parentage, each public and private birthing
21 hospital or center and the department of health shall provide



1 parents the opportunity to voluntarily acknowledge the parentage
2 of a child during the period immediately prior to or following
3 the child's birth. The voluntary acknowledgment of parentage
4 shall be in writing and shall consist of a single form signed
5 under oath by the individual who gave birth to the child and the
6 individual seeking to establish a parent-child relationship and
7 signed by a witness. The voluntary acknowledgment of parentage
8 form shall include the social security number of each signatory.

9 Prior to the signing of the voluntary acknowledgment of
10 parentage form, designated staff members of such facilities
11 shall provide to both the individual who gave birth to the child
12 and the other signatory, if either are present at the facility:

13 (1) Written materials regarding parentage establishment;

14 (2) Forms necessary to voluntarily acknowledge parentage;

15 and

16 (3) Oral, video or audio, and written descriptions of the
17 alternatives to, legal consequences of, and rights and
18 responsibilities of acknowledging parentage, including
19 any right afforded due to minority status if one
20 parent is a minor.



1 The completed voluntary acknowledgment forms shall clearly
2 identify the name and position of the staff member who provides
3 information to the parents regarding parentage establishment.

4 The provision by designated staff members of the facility of the
5 information required by this section shall not constitute the
6 unauthorized practice of law. Each facility shall send to the
7 department of health the original acknowledgment of parentage
8 containing the social security numbers, if available, of both
9 signatories, with the information required by the department of
10 health so that the birth certificate issued includes the name of
11 signatories, which shall be promptly recorded by the department
12 of health.

13 (b) The agency shall:

14 (1) Provide to any individual or facility the necessary:

15 (A) Materials and forms and a written description of
16 the rights and responsibilities related to
17 voluntary acknowledgment of parentage; and

18 (B) Training, guidance, and written instructions
19 regarding voluntary acknowledgment of parentage;

20 (2) Annually assess each facility's parentage
21 establishment program; and



1 (3) Determine if a voluntary acknowledgment has been filed
2 with the department of health whenever it receives an
3 application for parentage establishment services.

4 (c) Notwithstanding sections 338-17.7 and 338.18(b), the
5 department of health shall disclose to the agency, upon request,
6 all voluntary acknowledgment of parentage forms on file with the
7 department of health.

8 (d) The signed voluntary acknowledgment of parentage shall
9 constitute a legal finding of parentage, subject to the right of
10 any signatory to rescind the acknowledgment:

11 (1) Within sixty days of signature; or

12 (2) Before the date of an administrative or judicial
13 proceeding relating to the child, including a
14 proceeding to establish a support order to which the
15 signatory is a party, whichever is sooner.

16 (e) Following the sixty-day period referred to in
17 subsection (d), a signed voluntary acknowledgment of parentage
18 may be challenged in court only on the basis of fraud, duress,
19 or material mistake of fact, with the burden of proof on the
20 challenger. The legal responsibilities of any signatory arising
21 from the acknowledgment, including child support obligations,



1 shall not be suspended during the challenge, except for good
2 cause shown.

3 (f) The courts and office of child support hearings shall
4 give full faith and credit to affidavits for the voluntary
5 acknowledgment of parentage signed in any other state and these
6 affidavits shall constitute legal findings of parentage subject
7 to subsections (d) and (e).

8 (g) Judicial and administrative proceedings shall not be
9 required or permitted to ratify an unchallenged acknowledgment
10 of parentage.

11 (h) As used in this section:

12 "Agency" means the child support enforcement agency.

13 "Birthing center" means any facility outside a hospital
14 that provides maternity services.

15 "Facility" means a birthing hospital or a birthing center.

16 **PART V. PROCEEDING TO ADJUDICATE PARENTAGE**

17 **§ -12 Pretrial recommendations.** (a) On the basis of
18 the information produced at the pre-trial hearing, the judge
19 conducting the hearing shall evaluate the probability of
20 determining the existence or nonexistence of the parent and
21 child relationship in a trial and whether a judicial declaration



1 of the relationship would be in the best interest of the child.
2 On the basis of the evaluation, an appropriate recommendation
3 for settlement shall be made to the parties, which may include
4 any of the following:

5 (1) That the action be dismissed with or without
6 prejudice;

7 (2) That the matter be compromised by an agreement among
8 the parent and the individual who is seeking to have
9 their parentage adjudicated, and the child, in which
10 the individual seeking to be adjudicated to be a
11 parent is not adjudicated to be a parent but in which
12 a defined economic obligation is undertaken by the
13 individual whose parentage is to be adjudicated in
14 favor of the child and, if appropriate, in favor of
15 the parent, subject to approval by the judge
16 conducting the hearing; provided that, in reviewing
17 the obligation undertaken by the individual whose
18 parentage is to be adjudicated in a compromise
19 agreement, the judge conducting the hearing shall
20 consider the best interest of the child, in light of
21 the factors enumerated in section 576D-7, discounted



1 by the improbability, as it appears to the judge, of
2 establishing the parentage or nonparentage of the
3 individual whose parentage is to be adjudicated in a
4 trial of the action; provided further that, in the
5 best interest of the child, the court may order that
6 the identity of the individual whose parentage is to
7 be adjudicated be kept confidential, in which case the
8 court may designate an individual or agency to receive
9 from the individual whose parentage is to be
10 adjudicated and disburse on behalf of the child all
11 amounts paid by the individual whose parentage is to
12 be adjudicated in fulfillment of obligations imposed
13 on the individual; or

14 (3) That the individual whose parentage is to be
15 adjudicated voluntarily acknowledges their parentage
16 of the child.

17 (b) If the parties accept a recommendation made in
18 accordance with subsection (a), judgment shall be entered
19 accordingly.

20 (c) If a party refuses to accept the final recommendation,
21 the action shall be set for trial.



1 (d) The guardian ad litem may accept or refuse to accept a
2 recommendation under this section.

3 (e) The informal hearing may be terminated and the action
4 set for trial if the judge conducting the hearing finds it
5 unlikely that all parties would accept a recommendation the
6 judge might make under subsection (a) or (c).

7 § -13 Civil action. (a) An action under this chapter
8 shall be a civil action governed by the Hawaii rules of civil
9 procedure or the Hawaii family court rules. The individual who
10 gave birth to the child and the individual whose parentage is to
11 be adjudicated shall be competent to testify and may be
12 compelled to testify, provided that no criminal prosecution,
13 other than a prosecution for perjury, shall afterwards be
14 initiated or pursued against the individual who gave birth to
15 the child or the individual whose parentage is to be adjudicated
16 of or on account of any transaction, matter, or thing concerning
17 which they may testify or produce evidence, documentary or
18 otherwise. Part VII shall apply in any action brought under
19 this chapter.

20 (b) Testimony relating to sexual access to the individual
21 who gave birth to the child by an unidentified individual at any



1 time or by an identified individual at a time other than the
2 probable time of conception of the child shall be inadmissible
3 in evidence, unless offered by the individual who gave birth to
4 the child.

5 (c) In an action against an individual whose parentage is
6 to be adjudicated, evidence offered by the individual whose
7 parentage is to be adjudicated with respect to an individual who
8 is not subject to the jurisdiction of the court concerning
9 sexual intercourse with the individual who gave birth to the
10 child at or about the probable time of conception of the child
11 shall be admissible in evidence only if the individual has
12 undergone and made available to the court genetic tests,
13 including genetic tests the results of which do not exclude the
14 possibility of their parentage of the child.

15 **§ -14 Judgment or order.** (a) The judgment or order of
16 the court determining the existence or nonexistence of the
17 parent and child relationship shall be determinative for all
18 purposes.

19 (b) If the judgment or order of the court is at variance
20 with the child's birth certificate, the court shall order that a
21 new birth certificate be issued under section -21.



1 (c) The judgment or order may contain any other provision
2 directed against the appropriate party to the proceeding,
3 concerning the duty of support, the custody and guardianship of
4 the child, visitation privileges with the child, the furnishing
5 of bond or other security for the payment of the judgment, or
6 any other matter in the best interest of the child. Upon
7 neglect or refusal to give this security, or upon default of a
8 parent or a parent's surety in compliance with the terms of the
9 judgment, the court may order the forfeiture of any such
10 security and the application of the proceeds thereof toward the
11 payment of any sums due under the terms of the judgment and may
12 also sequester a parent's personal estate, and the rents and
13 profits of a parent's real estate, and may appoint a receiver
14 thereof, and may cause a parent's personal estate, including any
15 salaries, wages, commissions, or other moneys owed to them and
16 the rents and profits of the parent's real estate, to be applied
17 toward the meeting of the terms of the judgment, to the extent
18 that the court, from time to time, deems just and reasonable.
19 The judgment or order may direct a parent to pay the reasonable
20 expenses of the pregnancy and confinement, including medical
21 insurance premiums which cover the periods of pregnancy,



1 childbirth, and confinement. The court may further order the
2 noncustodial parent to reimburse the custodial parent, the
3 child, or any public agency for reasonable expenses incurred
4 prior to entry of judgment, including support, maintenance,
5 education, and funeral expenses expended for the benefit of the
6 child.

7 (d) Support judgment or orders ordinarily shall be for
8 periodic payments which may vary in amount. In the best
9 interest of the child, a lump sum payment or the purchase of an
10 annuity may be ordered in lieu of periodic payments of support.
11 The court may limit the obligor parent's liability for past
12 support of the child to the proportion of the expenses already
13 incurred that the court deems just.

14 (e) In determining the amount to be paid by a parent for
15 support of the child and the period during which the duty of
16 support is owed, a court enforcing the obligation of support
17 shall use the guidelines established under section 576D-7.
18 Provision may be made for the support, maintenance, and
19 education of an adult or minor child and an incompetent adult
20 child, whether or not the petition is made before or after the
21 child has attained the age of majority.



1 (f) When a parent of a child is a minor, unmarried, and
2 not able to provide full support, the court may order one or
3 both parents of the minor to support the child until the minor
4 reaches the age of majority, is otherwise emancipated, or is
5 financially able to fully support the child, whichever occurs
6 first. For this purpose:

7 (1) The judgment or order for support shall be made
8 against the parent or parents of the minor to the
9 extent that the minor is unable to support the child;

10 (2) The resources, standard of living, and earning ability
11 of the parent or parents of the minor shall be
12 considered under subsection (d) in determining the
13 amount of support; and

14 (3) The parent or parents of the minor shall be an obligor
15 under this chapter and chapter 571 and any action
16 against the obligor to collect support may be pursued
17 against the parent or parents of the minor.

18 § -15 **Costs.** The court may order reasonable fees of
19 counsel, experts, and the child's guardian ad litem, and other
20 costs of the action and pre-trial proceedings, including genetic
21 tests, subject to the provisions of section -36, to be paid



1 by the parties in proportions and at times determined by the
2 court. The court may order the proportionate payment of any
3 indigent party to be paid by the State, or such individual as
4 the court shall direct.

5 § -16 **Enforcement of judgment or order.** (a) If
6 existence of the parent and child relationship is declared, or
7 parentage or a duty of support has been acknowledged or
8 adjudicated under this chapter or under prior law, the
9 obligation of a parent may be enforced in the same or other
10 proceedings by a parent; the child; the public authority that
11 has furnished or may furnish the reasonable expenses of
12 pregnancy, confinement, education, support, or funeral; or by
13 any other individual, including a private agency, to the extent
14 the individual has furnished or is furnishing these expenses.

15 (b) The court may order support payments to be made to a
16 parent, an adult child, the child support enforcement agency, or
17 an individual, corporation, or agency designated to administer
18 them for the benefit of the child under the supervision of the
19 court.

20 (c) Willful failure to obey the judgment or order of the
21 court shall be a civil contempt of the court. All remedies for



1 the enforcement of judgments shall apply to this chapter. When
2 a court of competent jurisdiction issues an order compelling a
3 parent to furnish support, including child support, medical
4 support, or other remedial care, for the parent's child, it
5 shall constitute prima facie evidence of a civil contempt of
6 court upon proof that:

7 (1) The order was made, filed, and served on the parent or
8 proof that the parent was present in court at the time
9 the order was pronounced; and

10 (2) The parent did not comply with the order.

11 An order of civil contempt of court based on prima facie
12 evidence under this subsection shall clearly state that the
13 failure to comply with the order of civil contempt of court may
14 subject the parent to a penalty that may include imprisonment
15 or, if imprisonment is immediately ordered, the conditions that
16 must be met for release from imprisonment. A party may also
17 prove civil contempt of court by means other than prima facie
18 evidence under this subsection.

19 § -17 Modification of judgment or order. (a) The court
20 shall have continuing jurisdiction to modify or revoke a
21 judgment or order:



1 (1) For future education and support; and

2 (2) With respect to matters listed in section -14(c)

3 and (d) and section -16(b), except that a court

4 entering a judgment or order for the payment of a lump

5 sum or the purchase of an annuity under section

6 -14(d) may specify that the judgment or order may

7 not be modified or revoked.

8 (b) In those cases where child support payments are to

9 continue due to the adult child's pursuance of education, the

10 child support enforcement agency, three months prior to the

11 adult child's nineteenth birthday, shall send notice by regular

12 mail to the adult child and the custodial parent that

13 prospective child support will be suspended unless proof is

14 provided by the custodial parent or adult child to the child

15 support enforcement agency, prior to the child's nineteenth

16 birthday, that the child is presently enrolled as a full-time

17 student in school or has been accepted into and plans to attend

18 as a full-time student for the next semester a post-high school

19 university, college, or vocational school. If the custodial

20 parent or adult child fails to do so, prospective child support

21 payments may be automatically suspended by the child support



1 enforcement agency, hearings officer, or court upon the child
2 reaching the age of nineteen years. If applicable, the agency,
3 hearings officer, or court may issue an order terminating
4 existing assignments against the responsible parent's income and
5 income assignment orders.

6 (c) The need to provide for the child's health care needs
7 through health insurance or other means shall be a basis for
8 petitioning for a modification of the support order.

9 **§ -18 Hearings and records; confidentiality. (a)**

10 Notwithstanding any other law concerning public hearings and
11 records to the contrary, any hearing or trial held under this
12 chapter shall be held in closed court without admittance of any
13 individual other than those individuals necessary to the action
14 or proceeding. All papers and records pertaining to the action
15 or proceeding, whether part of the permanent record of the court
16 or of a file in the department of health or elsewhere, shall be
17 subject to inspection only upon consent of the court and all
18 interested individuals, or in exceptional cases only upon an
19 order of the court for good cause shown.

20 (b) Upon parentage being established, the confidentiality
21 requirement shall not extend to the judgment and all



1 subsequently filed documents that are used in good faith for
2 support and medical expenses, insurance, or enforcement
3 purposes, except that the confidentiality requirement shall
4 continue to apply to any references to a non-adjudicated alleged
5 or presumed parent.

6 (c) This section shall only apply to cases filed before
7 January 1, 2021, and parts VIII, IX, and X of this chapter.

8 **§ -19 Court filings; minutes of proceedings; posting**
9 **requirement.** The judiciary shall post on its website the titles
10 of all court filings and the minutes of court proceedings in
11 cases brought under this chapter except for actions filed
12 pursuant to part VIII or IX; provided that the judiciary shall
13 redact information that has been made confidential by any
14 statute, rule of court, or court order; provided further that,
15 on request of a party and for good cause, the court may close a
16 proceeding and records to the public except that the titles of
17 all court filings for the case and the contents of a final order
18 shall be available for public inspection, with other papers and
19 records available for public inspection only with the consent of
20 the parties or by court order.



1 **§ -20 Promise to render support.** (a) Any promise in
2 writing to furnish support for a child, growing out of a
3 supposed or alleged parent and child relationship, shall not
4 require consideration and shall be enforceable according to its
5 terms.

6 (b) In the best interest of the child or the natural
7 parent, the court may, and upon request shall, order the promise
8 to be kept in confidence and designate an individual or agency
9 to receive and disburse on behalf of the child all amounts paid
10 in performance of the promise.

11 **§ -21 Birth records.** (a) Upon order of a court of the
12 State or upon request or order of a court of another state, or
13 following acknowledgment as provided in section -9, the
14 department of health shall prepare a new certificate of birth
15 consistent with the findings of the court or in cases of
16 acknowledgment under section -9, consistent with the
17 acknowledgment, and shall substitute the new certificate for the
18 original certificate of birth.

19 (b) The fact that a parent and child relationship was
20 declared or acknowledged after the child's birth shall not be



1 ascertainable from the new certificate but the actual place and
2 date of birth shall be shown.

3 (c) The evidence upon which the new certificate was made
4 and the original birth certificate shall be kept in a sealed and
5 confidential file and be subject to inspection only upon consent
6 of the court and all interested individuals, or in exceptional
7 cases only upon an order of the court for good cause shown.

8 § -22 Parentage judgment; acknowledgement; support
9 order; social security number. The social security number of
10 any individual who is subject to a parentage judgment or
11 acknowledgment, or support order issued under this chapter shall
12 be placed in the records relating to the matter in compliance
13 with any other court rule or law.

14 § -23 Filing of acknowledgements and adjudications with
15 the department of health. All voluntary acknowledgments and
16 adjudications of parentage by judicial process shall be filed
17 with the department of health for comparison with information in
18 the state case registry. Filing of the adjudications of
19 parentage shall be the responsibility of the natural parent or
20 such individual or agency as the court shall direct.

21 PART VI. SPECIAL RULES FOR PROCEEDINGS TO ADJUDICATE PARENTAGE



1 § -24 Adjudicating parentage of child with alleged
2 genetic parent. (a) A proceeding to determine whether an
3 alleged genetic parent who is not a presumed parent is a parent
4 of a child may be commenced:

5 (1) Before the child becomes an adult; or

6 (2) After the child becomes an adult; provided the child
7 initiates the proceeding.

8 (b) Except as otherwise provided by law, this subsection
9 applies in a proceeding described in subsection (a) if the
10 individual who gave birth to the child is the only other
11 individual with a claim to parentage of the child. The court
12 shall adjudicate an alleged genetic parent to be a parent of the
13 child if the alleged genetic parent:

14 (1) Is identified under section -36 as a genetic parent
15 of the child and the identification is not
16 successfully challenged under section -36;

17 (2) Admits parentage in a pleading, when making an
18 appearance, or during a hearing, the court accepts the
19 admission, and the court determines the alleged
20 genetic parent to be a parent of the child;



(3) Declines to submit to genetic testing ordered by the court or a child support agency, in which case the court may adjudicate the alleged genetic parent to be a parent of the child even if the alleged genetic parent denies a genetic relationship with the child;

(4) Is in default after service of process and the court determines the alleged genetic parent to be a parent of the child; or

(5) Is neither identified nor excluded as a genetic parent by genetic testing and, based on other evidence, the court determines the alleged genetic parent to be a parent of the child.

(c) If in a proceeding involving an alleged genetic parent, at least one other individual in addition to the individual who gave birth to the child has a claim to parentage of the child, the court shall adjudicate parentage under section -30.

§ -25 Adjusting parentage of child with presumed parent.

(a) A proceeding to determine whether a presumed parent is a parent of a child may be commenced:

(1) Before the child becomes an adult; or



1 (2) After the child becomes an adult; provided the child
2 initiates the proceeding.

3 (b) A presumption of parentage under section -8 cannot be
4 overcome after the child attains two years of age unless the
5 court determines:

6 (1) The presumed parent is not a genetic parent, resided
7 with the child, and never held out the child as the
8 presumed parent's child; or

9 (2) The child has more than one presumed parent.

10 (c) Except as otherwise provided by law, the following
11 rules apply in a proceeding to adjudicate a presumed parent's
12 parentage of a child if the individual who gave birth to the
13 child is the only other individual with a claim to parentage of
14 the child:

15 (1) If no party to the proceeding challenges the presumed
16 parent's parentage of the child, the court shall
17 adjudicate the presumed parent to be a parent of the
18 child;

19 (2) If the presumed parent is identified under section
20 -36 as a genetic parent of the child and that
21 identification is not successfully challenged under



1 section -36, the court shall adjudicate the
2 presumed parent to be a parent of the child; and

3 (3) If the presumed parent is not identified under section
4 -36 as a genetic parent of the child and the
5 presumed parent or the individual who gave birth to
6 the child challenges the presumed parent's parentage
7 of the child, the court shall adjudicate the parentage
8 of the child in the best interest of the child based
9 on the factors under section -30(a) and (b)

10 (d) If in a proceeding to adjudicate a presumed parent's
11 parentage of a child, another individual in addition to the
12 individual who gave birth to the child asserts a claim to
13 parentage of the child, the court shall adjudicate parentage
14 under section -30.

15 **§ -26 Adjusting claim of de facto parentage of child.**

16 (a) A proceeding to establish parentage of a child under this
17 section may be commenced only by an individual who:

- 18 (1) Is alive when the proceeding is commenced; and
19 (2) Claims to be a de facto parent of the child.



1 (b) An individual who claims to be a de facto parent of a
2 child must commence a proceeding to establish parentage of a
3 child under this section:

4 (1) Before the child attains eighteen years of age; and

5 (2) While the child is alive.

6 (c) The following rules govern standing of an individual
7 who claims to be a de facto parent of a child to maintain a
8 proceeding under this section:

9 (1) The individual shall file an initial verified pleading
10 alleging specific facts that support the claim to
11 parentage of the child asserted under this section;
12 provided that the verified pleading shall be served on
13 all parents and legal guardians of the child and any
14 other party to the proceeding;

15 (2) An adverse party, parent, or legal guardian may file a
16 pleading in response to the pleading filed under
17 paragraph (1); provided that a responsive pleading
18 shall be verified and shall be served on all parties
19 to the proceeding; and

20 (3) Unless the court finds a hearing is necessary to
21 determine disputed facts material to the issue of



1 standing, the court shall determine, based on the
2 pleadings under paragraphs (1) and (2), whether the
3 individual has alleged facts sufficient to satisfy by
4 a preponderance of the evidence the requirements of
5 subsection (d)(1) through (7); provided that if the
6 court holds a hearing under this subsection, the
7 hearing shall be held on an expedited basis.

8 (d) In a proceeding to adjudicate parentage of an
9 individual who claims to be a de facto parent of the child, if
10 there is only one other individual who is a parent or has a
11 claim to parentage of the child, the court shall adjudicate the
12 individual who claims to be a de facto parent to be a parent of
13 the child if the individual demonstrates by clear and convincing
14 evidence that:

15 (1) The individual resided with the child as a regular
16 member of the child's household for a significant
17 period;

18 (2) The individual engaged in consistent caretaking of the
19 child;



1 (3) The individual undertook full and permanent
2 responsibilities of a parent of the child without
3 expectation of financial compensation;

4 (4) The individual held out the child as the individual's
5 child;

6 (5) The individual established a bonded and dependent
7 relationship with the child which is parental in
8 nature;

9 (6) Another parent of the child fostered or supported the
10 bonded and dependent relationship required under
11 paragraph (5); and

12 (7) Continuing the relationship between the individual and
13 the child is in the best interest of the child.

14 (e) Subject to other limitations in this part, if in a
15 proceeding to adjudicate parentage of an individual who claims
16 to be a de facto parent of the child, there is more than one
17 other individual who is a parent or has a claim to parentage of
18 the child and the court determines that the requirements of
19 subsection (d) are satisfied, the court shall adjudicate
20 parentage under section -30.



1 **§ -27 Adjudicating parentage of child with acknowledged**
2 **parent.** (a) If a child has an acknowledged parent, a
3 proceeding to challenge the acknowledgment of parentage or a
4 denial of parentage, brought by a signatory to the
5 acknowledgment or denial, shall be governed by section
6 -11(e).

7 (b) If a child has an acknowledged parent, the following
8 rules apply in a proceeding to challenge the acknowledgment of
9 parentage or a denial of parentage brought by an individual,
10 other than the child, who has standing under section -5 and
11 was not a signatory to the acknowledgment or denial:

12 (1) The individual shall commence the proceeding no later
13 than two years after the effective date of the
14 acknowledgment;

15 (2) The court may permit the proceeding only if the court
16 finds permitting the proceeding is in the best
17 interest of the child; and

18 (3) If the court permits the proceeding, the court shall
19 adjudicate parentage under section -30.

20 **§ -28 Adjudicating parentage of child with adjudicated**
21 **parent.** (a) If a child has an adjudicated parent, a proceeding



1 to challenge the adjudication, brought by an individual who was
2 a party to the adjudication or received notice under section
3 -3, shall be governed by the rules governing a collateral
4 attack on a judgment.

5 (b) If a child has an adjudicated parent, the following
6 rules apply to a proceeding to challenge the adjudication of
7 parentage brought by an individual, other than the child, who
8 has standing under section -5 and was not a party to the
9 adjudication and did not receive notice under section -3:

10 (1) The individual shall commence the proceeding no later
11 than two years after the effective date of the
12 adjudication;

13 (2) The court may permit the proceeding only if the court
14 finds permitting the proceeding is in the best
15 interest of the child; and

16 (3) If the court permits the proceeding, the court shall
17 adjudicate parentage under section -30.

18 **§ -29 Adjudicating parentage of child of assisted**
19 **reproduction.** (a) An individual who is a parent under part
20 VIII or the individual who gave birth to the child may bring a
21 proceeding to adjudicate parentage. If the court determines the



1 individual is a parent under part VIII, the court shall
2 adjudicate the individual to be a parent of the child.

3 (b) In a proceeding to adjudicate an individual's
4 parentage of a child, if another individual other than the
5 individual who gave birth to the child is a parent under part
6 VIII, the court shall adjudicate the individual's parentage of
7 the child under section -30.

8 **§ -30 Adjudicating competing claims of parentage. (a)**

9 Except as otherwise provided by law, in a proceeding to
10 adjudicate competing claims of parentage of a child, or
11 challenges under sections -25, -27, or -28 to parentage
12 of a child, by two or more individuals, the court shall
13 adjudicate parentage in the best interest of the child, based
14 on:

- 15 (1) The age of the child;
16 (2) The length of time during which each individual
17 assumed the role of parent of the child;
18 (3) The nature of the relationship between the child and
19 each individual;
20 (4) The harm to the child if the relationship between the
21 child and each individual is not recognized;



1 (5) The basis for each individual's claim to parentage of
2 the child; and

3 (6) Other equitable factors arising from the disruption of
4 the relationship between the child and each individual
5 or the likelihood of other harm to the child.

6 (b) If an individual challenges parentage based on the
7 results of genetic testing, in addition to the factors listed in
8 subsection (a), the court shall consider:

9 (1) The facts surrounding the discovery that the
10 individual might not be a genetic parent of the child;
11 and

12 (2) The length of time between the time that the
13 individual was placed on notice that the individual
14 might not be a genetic parent and the commencement of
15 the proceeding.

16 (c) The court may adjudicate a child to have more than two
17 parents under this chapter if the court finds that failure to
18 recognize more than two parents would be detrimental to the
19 child. A finding of detriment to the child shall not require a
20 finding of unfitness of any parent or individual seeking an
21 adjudication of parentage. In determining detriment to the



1 child, the court shall consider all relevant factors, including
2 the harm if the child is removed from a stable placement with an
3 individual who has fulfilled the child's physical needs and
4 psychological needs for care and affection and has assumed the
5 role for a substantial period.

6 **PART VII. GENETIC TESTING**

7 **§ -31 Definitions.** As used in this part:

8 "Combined parentage index" means the product of all tested
9 relationship indices.

10 "Hypothesized genetic relationship" means an asserted
11 genetic relationship between an individual and a child.

12 "Probability of parentage" means, for the ethnic or racial
13 group to which an individual alleged to be a parent belongs, the
14 probability that a hypothesized genetic relationship is
15 supported, compared to the probability that a genetic
16 relationship is supported between the child and a random
17 individual of the ethnic or racial group used in the
18 hypothesized genetic relationship, expressed as a percentage
19 incorporating the combined relationship index and a prior
20 probability.



1 § -32 Scope of part; limitation on use of genetic
2 testing. (a) This part governs genetic testing of an
3 individual in a proceeding to adjudicate parentage, whether the
4 individual:

5 (1) Voluntarily submits to testing; or

6 (2) Is tested pursuant to an order of the court or a child
7 support agency.

8 (b) Genetic testing may not be used:

9 (1) To challenge the parentage of an individual who is a
10 parent under part VIII or IX; or

11 (2) To establish the parentage of an individual who is a
12 donor.

13 § -33 Authority to order or deny genetic testing. (a)
14 Except as otherwise provided in this part or part V, in a
15 proceeding under this chapter to determine parentage, the court
16 shall order the child and any other individual to submit to
17 genetic testing if a request for testing is supported by the
18 sworn statement of a party:

19 (1) Alleging a reasonable possibility that the individual
20 is the child's genetic parent; or



1 (2) Denying genetic parentage of the child and stating
2 facts establishing a reasonable possibility that the
3 individual is not a genetic parent.

4 (b) A child support agency may order genetic testing only
5 if there is no presumed, acknowledged, or adjudicated parent of
6 a child other than the individual who gave birth to the child.

7 (c) The court or child support agency may not order in
8 utero genetic testing.

9 (d) If two or more individuals are subject to court-
10 ordered genetic testing, the court may order that testing be
11 completed concurrently or sequentially.

12 (e) Genetic testing of an individual who gave birth to a
13 child is not a condition precedent to testing of the child and
14 an individual whose genetic parentage of the child is being
15 determined. If the individual who gave birth to the child is
16 unavailable or declines to submit to genetic testing, the court
17 may order genetic testing of the child and each individual whose
18 genetic parentage of the child is being adjudicated.

19 (f) In a proceeding to adjudicate the parentage of a child
20 having a presumed parent or an individual who claims to be a
21 parent under section -26, or to challenge an acknowledgment



1 of parentage, the court may deny a motion for genetic testing of
2 the child and any other individual after considering the factors
3 in section -30(a) and (b).

4 (g) If an individual requesting genetic testing is barred
5 under section -11(e) from establishing the individual's
6 parentage, the court shall deny the request for genetic testing.

7 (h) An order under this section for genetic testing shall
8 be enforceable by contempt.

9 **§ -34 Requirements for genetic testing.** (a) Genetic
10 testing shall be of a type reasonably relied on by experts in
11 the field of genetic testing and performed in a testing
12 laboratory accredited by:

13 (1) The AABB, formerly known as the American Association
14 of Blood Banks, or a successor to its functions; or

15 (2) An accrediting body designated by the Secretary of the
16 United States Department of Health and Human Services.

17 (b) A specimen used in genetic testing may consist of a
18 sample or a combination of samples of blood, buccal cells, bone,
19 hair, or other body tissue or fluid. The specimen used in the
20 testing need not be of the same kind for each individual
21 undergoing genetic testing.



1 (c) If, after recalculation of the relationship index
2 under section -36(c) using a different ethnic or racial
3 group, genetic testing does not identify an individual as a
4 genetic parent of a child, the court may require an individual
5 who has been tested to submit to additional genetic testing to
6 identify a genetic parent.

7 **§ -35 Report of genetic testing.** (a) A report of
8 genetic testing shall be in a record and signed under penalty of
9 perjury by a designee of the testing laboratory. A report
10 complying with the requirements of this part shall be self-
11 authenticating.

12 (b) Documentation from a testing laboratory of the
13 following information shall be sufficient to establish a
14 reliable chain of custody and allow the results of genetic
15 testing to be admissible without testimony:

16 (1) The name and photograph of each individual whose
17 specimen has been taken;

18 (2) The name of the individual who collected each
19 specimen;

20 (3) The place and date each specimen was collected;



(4) The name of the individual who received each specimen
in the testing laboratory; and

(5) The date each specimen was received.

§ -36 Genetic testing results; challenge to results.

(a) Subject to a challenge under subsection (b), an individual shall be identified under this chapter as a genetic parent of a child if genetic testing complies with this part and the results of the testing disclose:

(1) The individual has at least a ninety-nine per cent probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and

(2) A combined percentage index of at least one hundred to one.

(b) An individual identified under subsection (a) as a genetic parent of the child may challenge the genetic testing results only by other genetic testing satisfying the requirements of this part that:

(1) Excludes the individual as a genetic parent of the child; or



(2) Identifies another individual as a possible genetic

parent of the child other than:

(A) The individual who gave birth to the child; or

(B) The individual identified under subsection (a).

(c) If more than one individual other than the individual who gave birth is identified by genetic testing as a possible genetic parent of the child, the court shall order each individual to submit to further genetic testing to identify a genetic parent.

§ -37 Genetic testing when specimen not available. (a)

Subject to subsection (b), if a genetic-testing specimen is not available from an alleged genetic parent of a child, an individual seeking genetic testing demonstrates good cause, and the court finds that the circumstances are just, the court may order any of the following individuals to submit specimens for genetic testing:

(1) A parent of the alleged genetic parent;

(2) A sibling of the alleged genetic parent;

(3) Another child of the alleged genetic parent and the individual who gave birth to the other child; and



(4) Another relative of the alleged genetic parent
necessary to complete genetic testing.

(b) The court shall only issue an order under this section
if the court finds that a need for genetic testing outweighs the
legitimate interests of the individual sought to be tested.

§ -38 **Deceased individual.** If an individual seeking
genetic testing demonstrates good cause, the court may order
genetic testing of a deceased individual.

PART VIII. ASSISTED REPRODUCTION

§ -39 **Scope of part.** This part shall not apply to the
birth of a child conceived by sexual intercourse or assisted
reproduction under a surrogacy agreement under part IX.

§ -40 **Parental status of donor.** A donor shall not be a
parent of a child conceived by assisted reproduction. This
section shall apply whether the donor is known or anonymous,
related or unrelated to the intended parents, or compensated or
uncompensated.

§ -41 **Parentage of child of assisted reproduction.** An
individual who consents under section -42 to assisted
reproduction by an individual with the intent to be a parent of



1 a child conceived by the assisted reproduction shall be a parent
2 of the child.

3 **§ -42 Consent to assisted reproduction.** (a) Except as
4 otherwise provided in subsection (b), the consent described in
5 section -41 shall be in a record signed by an individual
6 giving birth to a child conceived by assisted reproduction and
7 an individual who intends to be a parent of the child.

8 (b) Failure to consent in a record as required by
9 subsection (a), before, on, or after the birth of the child,
10 shall not preclude the court from finding consent to parentage
11 if:

- 12 (1) The individual giving birth to a child or the
13 individual proves by clear and convincing evidence the
14 existence of an express agreement entered into before
15 conception that the individual and the natural parent
16 intended they both would be parents of the child; or
17 (2) The individual giving birth to the child and the
18 individual for the first two years of the child's
19 life, including any period of temporary absence,
20 resided together in the same household with the child
21 and both openly held out the child as the individual's



1 child, unless the individual dies or becomes
2 incapacitated before the child attains two years of
3 age or the child dies before the child attains two
4 years of age, in which case the court may find consent
5 under this subsection to parentage if a party proves
6 by clear and convincing evidence that the individual
7 giving birth to the child and the individual intended
8 to reside together in the same household with the
9 child and both intended the individual would openly
10 hold out the child as the individual's child, but the
11 individual was prevented from carrying out that intent
12 by death or incapacity.

13 **§ -43 Limitation on spouse's dispute of parentage. (a)**

14 Except as otherwise provided in subsection (b), an individual
15 who, at the time of a child's birth, is the spouse of the
16 individual who gave birth to the child by assisted reproduction
17 may not challenge the individual's parentage of the child
18 unless:

- 19 (1) No later than two years after the birth of the child
20 or the date as of which the individual first learns of
21 the birth of the child, whichever is later, the



1 individual commences a proceeding to adjudicate the
2 individual's parentage of the child; and

3 (2) The court finds the individual did not consent to the
4 assisted reproduction, before, on, or after the birth
5 of the child, or withdrew consent under section
6 -45.

7 (b) A proceeding to adjudicate a spouse's parentage of a
8 child born by assisted reproduction may be commenced at any time
9 if the court determines:

10 (1) The spouse neither provided a gamete for, nor
11 consented to, the assisted reproduction;

12 (2) The spouse and the individual who gave birth to the
13 child have not cohabited since the probable time of
14 assisted reproduction; and

15 (3) The spouse never openly held out the child as the
16 spouse's child.

17 (c) This section applies to a spouse's dispute of
18 parentage even if the spouse's marriage is declared invalid
19 after assisted reproduction occurs.

20 **§ -44 Effect of certain legal proceedings regarding**
21 **marriage.** If a marriage of an individual who gives birth to a



1 child conceived by assisted reproduction is terminated through
2 divorce or dissolution, subject to legal separation or separate
3 maintenance, declared invalid, or annulled before transfer of
4 gametes or embryos to the individual, a former spouse of the
5 individual shall not be a parent of the child unless the former
6 spouse consented in a record that the former spouse would be a
7 parent of the child if assisted reproduction were to occur after
8 a divorce, dissolution, annulment, declaration of invalidity,
9 legal separation, or separate maintenance, and the former spouse
10 did not withdraw consent under section -45.

11 § -45 **Withdrawal of consent.** (a) An individual who
12 consents under section -42 to assisted reproduction may
13 withdraw consent any time before a transfer that results in a
14 pregnancy, by giving notice in a record of the withdrawal of
15 consent to the individual who agreed to give birth to a child
16 conceived by assisted reproduction and to any clinic or health-
17 care provider facilitating the assisted reproduction. Failure
18 to give notice to the clinic or health-care provider shall not
19 affect a determination of parentage under this part.

20 (b) An individual who withdraws consent under subsection
21 (a) shall not be a parent of the child under this part.



1 § -46 Parental status of deceased individuals. (a) If
2 an individual who intends to be a parent of a child conceived by
3 assisted reproduction dies during the period between the
4 transfer of a gamete or embryo and the birth of the child, the
5 individual's death shall not preclude the establishment of the
6 individual's parentage of the child if the individual otherwise
7 would be a parent of the child under this chapter.

8 (b) If an individual who consented in a record to assisted
9 reproduction by an individual who agreed to give birth to a
10 child dies before a transfer of gametes or embryos, the deceased
11 individual shall be a parent of a child conceived by the
12 assisted reproduction only if:

13 (1) Either:

14 (A) The individual consented in a record that if
15 assisted reproduction were to occur after the
16 death of the individual, the individual would be
17 a parent of the child; or

18 (B) The individual's intent to be a parent of a child
19 conceived by assisted reproduction after the
20 individual's death is established by clear-and-
21 convincing evidence; and



1 (2) Either:

2 (A) The embryo is in utero no later than thirty-six
3 months after the individual's death; or

4 (B) The child is born no later than forty-five months
5 after the individual's death.

6 **PART IX. SURROGACY AGREEMENT**

7 **§ -47 Definitions.** As used in this part:

8 "Genetic surrogate" means an individual who is capable of
9 carrying a pregnancy to term and giving birth to a child, who is
10 not an intended parent and who agrees to become pregnant through
11 assisted reproduction using their own gamete, under a genetic
12 surrogacy agreement as provided in this part.

13 "Gestational surrogate" means an individual who is capable
14 of carrying a pregnancy to term and giving birth to a child, who
15 is not an intended parent and who agrees to become pregnant
16 through assisted reproduction using gametes that are not their
17 own, under a gestational surrogacy agreement as provided in this
18 part.

19 **§ -48 Eligibility to enter gestational or genetic**
20 **surrogacy agreement.** (a) To execute an agreement to act as a
21 gestational or genetic surrogate, an individual who is capable



1 of carrying a pregnancy to term and giving birth to a child
2 shall:

- 3 (1) Have attained twenty-one years of age;
- 4 (2) Previously have given birth to at least one child;
- 5 (3) Complete a medical evaluation related to the surrogacy
6 arrangement by a licensed medical doctor;
- 7 (4) Complete a mental health consultation by a licensed
8 mental health professional; and
- 9 (5) Have independent legal representation of their choice
10 throughout the surrogacy arrangement regarding the
11 terms of the surrogacy agreement and the potential
12 legal consequences of the agreement.

13 (b) To execute a surrogacy agreement, each intended
14 parent, whether or not genetically related to the child, shall:

- 15 (1) Have attained twenty-one years of age;
- 16 (2) Complete a mental health consultation by a licensed
17 mental health professional; and
- 18 (3) Have independent legal representation of the intended
19 parent's or parents' choice throughout the surrogacy
20 arrangement regarding the terms of the surrogacy



1 agreement and the potential legal consequences of the
2 agreement.

3 § -49 Requirements of gestational or genetic surrogacy
4 agreement; process. A surrogacy agreement shall be executed in
5 compliance with the following rules:

6 (1) At least one party shall be a resident of the State
7 or, if no party is a resident of the State, at least
8 one medical evaluation or procedure or mental health
9 consultation under the agreement shall occur in the
10 State;

11 (2) A surrogate and each intended parent shall meet the
12 requirements of section -48;

13 (3) Each intended parent, the surrogate, and the
14 surrogate's spouse, if any, shall be parties to the
15 agreement;

16 (4) The agreement shall be in a record signed by each
17 party listed in paragraph (3);

18 (5) The surrogate and each intended parent shall
19 acknowledge in a record receipt of a copy of the
20 agreement;



1 (6) The signature of each party to the agreement shall be
2 attested by a notary public or witnessed in accordance
3 with the laws of the jurisdiction in which the
4 agreement is signed;

5 (7) The surrogate; surrogate's spouse, if any; and the
6 intended parent or parents shall have independent
7 legal representation throughout the surrogacy
8 arrangement regarding the terms of the surrogacy
9 agreement and the potential legal consequences of the
10 agreement, and each counsel shall be identified in the
11 surrogacy agreement;

12 (8) The intended parent or parents shall pay for
13 independent legal representation for the surrogate and
14 surrogate's spouse, if any; and

15 (9) The agreement shall be executed before a medical
16 procedure, including the taking of medication, occurs
17 related to the surrogacy agreement, other than the
18 medical evaluation and mental health consultation
19 required by section -48.



1 § -50 Requirements of gestational or genetic surrogacy
2 agreement. (a) A surrogacy agreement shall comply with the
3 following requirements:

4 (1) A surrogate agrees to attempt to become pregnant by
5 means of assisted reproduction;

6 (2) Except as otherwise provided in sections -56,
7 -59, and -60, the surrogate and the surrogate's
8 spouse or former spouse, if any, have no claim to
9 parentage of a child conceived by assisted
10 reproduction under the agreement;

11 (3) The surrogate's spouse, if any, shall acknowledge and
12 agree to comply with the obligations imposed on the
13 surrogate by the agreement;

14 (4) Except as otherwise provided in sections -56,
15 -59, and -60, the intended parent or parents,
16 each one jointly and severally, immediately upon birth
17 will be the exclusive parent or parents of the child,
18 regardless of the number of children born or the
19 gender or mental or physical condition of each child;

20 (5) Except as otherwise provided in sections -56,
21 -59, and -60, the intended parent or parents,



1 each parent jointly and severally, immediately upon
2 birth will assume physical and legal custody of, and
3 responsibility for the financial support of the child,
4 regardless of the number of children born or the
5 gender or mental or physical condition of each child;

6 (6) The agreement shall include information disclosing how
7 each intended parent will cover the surrogacy-related
8 compensation and expenses of the surrogate and the
9 medical expenses of the child or children, including
10 whether a bond or escrow account shall be required of
11 each intended parent; provided that if health care
12 coverage is used to cover the medical expenses, the
13 disclosure shall include a summary of the health care
14 policy provisions related to coverage for surrogate
15 pregnancy, including any possible liability of the
16 surrogate; third-party liability liens; other
17 insurance coverage; and any notice requirement that
18 could affect coverage or liability of the surrogate;
19 provided further that, unless the agreement expressly
20 provides otherwise, the review and disclosure shall
21 not constitute legal advice; provided further that if



1 the extent of coverage is uncertain, a statement of
2 that fact shall be sufficient to comply with this
3 paragraph;

4 (7) The agreement shall permit the surrogate to make all
5 health and welfare decisions regarding themselves and
6 their pregnancy, but may include agreed-to health-
7 related commitments; provided that this chapter shall
8 not enlarge or diminish the surrogate's constitutional
9 right to terminate the pregnancy;

10 (8) The agreement shall include information about each
11 party's right under this part to terminate the
12 surrogacy agreement; and

13 (9) The agreement shall contain a confidentiality
14 agreement.

15 (b) A surrogacy agreement may provided for:

16 (1) Payment of consideration to, and payment or
17 reimbursement of reasonable expenses to, the
18 surrogate; and

19 (2) Reimbursement of specific expenses if the agreement is
20 terminated under this part.



1 (c) A right created under a surrogacy agreement shall not
2 be assignable and there shall be no third-party beneficiary of
3 the agreement other than the child.

4 § -51 Surrogacy agreement; effect of subsequent change
5 of marital status. (a) Unless a surrogacy agreement expressly
6 provides otherwise:

7 (1) The marriage of a surrogate after the agreement is
8 signed by all parties shall not affect the validity of
9 the agreement, their spouse's consent to the agreement
10 shall not be required, and their spouse shall not be a
11 presumed parent of a child conceived by assisted
12 reproduction under the agreement; and

13 (2) The divorce, dissolution, annulment, declaration of
14 invalidity, or legal separation of the surrogate after
15 the agreement is signed by all parties shall not
16 affect the validity of the agreement.

17 (b) Unless a surrogacy agreement expressly provides
18 otherwise:

19 (1) The marriage of an intended parent after the agreement
20 is signed by all parties shall not affect the validity
21 of a surrogacy agreement, the consent of the spouse of



1 the intended parent shall not be required, and the
2 spouse of the intended parent shall not, based on the
3 agreement, be a parent of a child conceived by
4 assisted reproduction under the agreement; and

5 (2) The divorce, dissolution, annulment, declaration of
6 invalidity, or legal separation of an intended parent
7 after the agreement is signed by all parties shall not
8 affect the validity of the agreement and, except as
9 otherwise provided in section -59, the intended
10 parents shall be the parents of the child.

11 § -52 **Exclusive, continuing jurisdiction.** During the
12 period after the execution of a surrogacy agreement until ninety
13 days after the birth of a child conceived by assisted
14 reproduction under the agreement, a court of the State
15 conducting a proceeding under this chapter has exclusive,
16 continuing jurisdiction over all matters arising out of the
17 agreement. This section shall not give the court jurisdiction
18 over a child custody or child support proceeding if jurisdiction
19 is not authorized by law other than this chapter.

20 § -53 **Termination of gestational surrogacy agreement.**

21 (a) A party to a gestational surrogacy agreement may terminate



1 the agreement, at any time before an embryo transfer, by giving
2 notice of termination in a record to all other parties. If an
3 embryo transfer does not result in a pregnancy, a party may
4 terminate the agreement at any time before a subsequent embryo
5 transfer.

6 (b) Unless a gestational surrogacy agreement provides
7 otherwise, on termination of the agreement under subsection (a),
8 the parties are released from the agreement, except that each
9 intended parent remains responsible for expenses that are
10 reimbursable under the agreement and incurred by the gestational
11 surrogate through the date of termination.

12 (c) Except in a case involving fraud, neither a
13 gestational surrogate nor the surrogate's spouse or former
14 spouse, if any, shall be liable to the intended parent or
15 parents for a penalty or liquidated damages, for terminating a
16 gestational surrogacy agreement under this section.

17 **§ -54 Parentage under gestational surrogacy agreement.**

18 (a) Except as otherwise provided in subsection (c), section
19 -55(b), or section -57, upon birth of a child conceived by
20 assisted reproduction under a gestational surrogacy agreement,



1 each intended parent shall be, by operation of law, a parent of
2 the child.

3 (b) Except as otherwise provided in subsection (c) or
4 section -57, neither a gestational surrogate nor the
5 surrogate's spouse or former spouse, if any, shall be a parent
6 of the child.

7 (c) If a child is alleged to be a genetic child of the
8 surrogate, the court shall order genetic testing of the child.
9 If the child is a genetic child of the individual who agreed to
10 be a gestational surrogate, parentage shall be determined based
11 on parts I through VII.

12 (d) Except as otherwise provided in subsection (c),
13 section -55(b), or section -57, if, due to a clinical or
14 laboratory error, a child conceived by assisted reproduction
15 under a gestational surrogacy agreement is not genetically
16 related to either intended parent or to a donor who donated
17 gametes to the intended parent or parents, each intended parent,
18 and not the gestational surrogate and the surrogate's spouse or
19 former spouse, if any, shall be a parent of the child, subject
20 to any other claim of parentage.



§ -55 Gestational surrogacy agreement; parentage of deceased intended parent. (a) Section -54 applies to an intended parent even if the intended parent dies during the period between the transfer of a gamete or embryo and the birth of the child.

(b) Except as otherwise provided in section -57, an intended parent shall not be a parent of a child conceived by assisted reproduction under a gestational surrogacy agreement if the intended parent dies before the transfer of a gamete or embryo unless:

(1) The agreement provides otherwise; and

(2) The transfer of a gamete or embryo occurs no later than thirty-six months after the death of the intended parent or the birth of the child occurs no later than forty-five months after the death of the intended parent.

§ -56 Gestational surrogacy agreement; order of parentage. (a) Except as otherwise provided in section -54(c) or -57, before, on, or after the birth of a child conceived by assisted reproduction under a gestational surrogacy



1 agreement, a party to the agreement may commence a proceeding in
2 the appropriate court for an order or judgment:

3 (1) Declaring that each intended parent is a parent of the
4 child and ordering that parental rights and duties
5 vest immediately upon the birth of the child
6 exclusively in each intended parent;

7 (2) Declaring that the gestational surrogate and the
8 surrogate's spouse or former spouse, if any, are not
9 the parents of the child;

10 (3) Designating the content of the birth record in
11 accordance with chapter 338 and directing the
12 department of health to designate each intended parent
13 as a parent of the child;

14 (4) To protect the privacy of the child and the parties,
15 declaring that the court record is not open to
16 inspection;

17 (5) If necessary, that the child be surrendered to the
18 intended parent or parents; and

19 (6) For other relief the court determines necessary and
20 proper.



1 (b) The court may issue an order or judgment under
2 subsection (a) before the birth of the child. The court shall
3 stay enforcement of the order or judgment until the birth of the
4 child.

5 (c) Neither the State nor the department of health shall
6 be a necessary party to a proceeding under subsection (a).

7 § -57 Effect of gestational surrogacy agreement. (a) A
8 gestational surrogacy agreement that complies with sections
9 -48, -49, and -50 shall be enforceable.

10 (b) If a child was conceived by assisted reproduction
11 under a gestational surrogacy agreement that does not comply
12 with sections -48, -49, and -50, the court shall
13 determine the rights and duties of the parties to the agreement
14 consistent with the intent of the parties at the time of
15 execution of the agreement. Each party to the agreement and any
16 individual who at the time of the execution of the agreement was
17 a spouse of a party to the agreement has standing to maintain a
18 proceeding to adjudicate an issue related to the enforcement of
19 the agreement.

20 (c) Except as expressly provided in a gestational
21 surrogacy agreement or subsection (d) or (e), if the agreement



1 is breached by the gestational surrogate or one or more intended
2 parents, the non-breaching party shall be entitled to all
3 remedies available at law or in equity.

4 (d) Specific performance shall not be a remedy available
5 for breach by a gestational surrogate of a provision in the
6 agreement that the gestational surrogate undergo an embryo
7 transfer, terminate or not terminate a pregnancy, or submit to
8 medical procedures.

9 (e) Except as otherwise provided in subsection (d), if an
10 intended parent is determined to be a parent of the child,
11 specific performance shall be a remedy available for:

12 (1) Breach of the agreement by a gestational surrogate or
13 gestational surrogate's spouse which prevents the
14 intended parent from exercising immediately on the
15 birth of the child the full rights of parentage; or

16 (2) Breach by the intended parent which prevents the
17 intended parent's acceptance, immediately upon the
18 birth of the child conceived by assisted reproduction
19 under the agreement, of the duties of parentage.

20 § -58 Requirements to validate genetic surrogacy
21 agreement. (a) Except as otherwise provided in section -60,



1 to be enforceable, a genetic surrogacy agreement shall be
2 validated by the family court. A proceeding to validate the
3 agreement shall be commenced before assisted reproduction
4 related to the surrogacy agreement.

5 (b) The court shall issue an order validating a genetic
6 surrogacy agreement if the court finds that:

7 (1) Sections -48, -49, and -50 are satisfied; and

8 (2) All parties entered into the agreement voluntarily and
9 understand its terms.

10 (c) An individual who terminates a genetic surrogacy
11 agreement pursuant to section -59 shall file notice of the
12 termination with the court. On receipt of the notice, the court
13 shall vacate any order issued under subsection (b). An
14 individual who fails to notify the court of the termination of
15 the agreement shall be subject to sanctions as ordered by the
16 court.

17 **§ -59 Termination of genetic surrogacy agreement. (a)**

18 A party to a genetic surrogacy agreement may terminate the
19 agreement as follows:

20 (1) An intended parent who is a party to the agreement may
21 terminate the agreement at any time before a gamete or



1 embryo transfer by giving notice of termination in a
2 record to all other parties; provided that if a gamete
3 or embryo transfer does not result in a pregnancy, a
4 party may terminate the agreement at any time before a
5 subsequent gamete or embryo transfer; provided further
6 that the notice of termination shall be attested by a
7 notary public or witnessed; and

8 (2) A genetic surrogate who is a party to the agreement
9 may withdraw consent to the agreement any time before
10 seventy-two hours after the birth of a child conceived
11 by assisted reproduction under the agreement; provided
12 that to withdraw consent, the genetic surrogate shall
13 execute a notice of termination in a record stating
14 the surrogate's intent to terminate the agreement;
15 provided further that the notice of termination shall
16 be attested by a notary public or witnessed and be
17 delivered to each intended parent any time within
18 seventy-two hours after the birth of the child.

19 (b) On termination of the genetic surrogacy agreement
20 under subsection (a), the parties shall be released from all
21 obligations under the agreement except that each intended parent



1 shall remain responsible for all expenses incurred by the
2 surrogate through the date of termination which are reimbursable
3 under the agreement. Unless the agreement provides otherwise,
4 the surrogate shall not be entitled to and shall refund to the
5 intended parents within ten days after withdrawal of consent,
6 any non-expense related compensation paid for serving as a
7 surrogate.

8 (c) Except in a case involving fraud, neither a genetic
9 surrogate nor the surrogate's spouse or former spouse, if any,
10 shall be liable to the intended parent or parents for a penalty
11 or liquidated damages, for terminating a genetic surrogacy
12 agreement under this section.

13 **§ -60 Parentage under validated genetic surrogacy**
14 **agreement.** (a) Unless a genetic surrogate exercises the right
15 under section -59 to terminate a genetic surrogacy agreement,
16 each intended parent shall be a parent of a child conceived by
17 assisted reproduction under an agreement validated under section
18 -58.

19 (b) Unless a genetic surrogate exercises the right under
20 section -59 to terminate the genetic surrogacy agreement, on



1 proof of a court order issued under section -58 validating
2 the agreement, the court shall make an order:

3 (1) Declaring that each intended parent is a parent of a
4 child conceived by assisted reproduction under the
5 agreement and ordering that parental rights and duties
6 vest exclusively in each intended parent;

7 (2) Declaring that the gestational surrogate and the
8 surrogate's spouse or former spouse, if any, are not
9 parents of the child;

10 (3) Designating the contents of the birth certificate in
11 accordance with chapter 338 and directing the
12 department of health to designate each intended parent
13 as a parent of the child;

14 (4) To protect the privacy of the child and the parties,
15 declaring that the court record is not open to
16 inspection including captions of filings;

17 (5) If necessary, that the child be surrendered to the
18 intended parent or parents; and

19 (6) For other relief the court determines necessary and
20 proper.



1 (c) If a genetic surrogate terminates a genetic surrogacy
2 agreement pursuant to section -59(a)(2), parentage of the
3 child conceived by assisted reproduction under the agreement
4 shall be determined under parts I through VII.

5 (d) If a child born to a genetic surrogate is alleged not
6 to have been conceived by assisted reproduction, the court shall
7 order genetic testing to determine the genetic parentage of the
8 child. If the child was not conceived by assisted reproduction,
9 parentage shall be determined under parts I through VII. Unless
10 the genetic surrogacy agreement provides otherwise, if the child
11 was not conceived by assisted reproduction, the surrogate shall
12 not be entitled to any non-expense related compensation paid for
13 serving as a surrogate.

14 (e) Unless a genetic surrogate exercises the right under
15 section -59 to terminate the genetic surrogacy agreement, if
16 an intended parent fails to file notice required under section
17 -59(a), the genetic surrogate or the department of health may
18 file with the court, no later than sixty days after the birth of
19 a child conceived by assisted reproduction under the agreement,
20 notice that the child has been born to the genetic surrogate.
21 Unless the genetic surrogate has properly exercised the right



1 under section -59 to withdraw consent to the agreement, on
2 proof of a court order issued under section -58 validating
3 the agreement, the court shall order that each intended parent
4 is a parent of the child.

5 **§ -61 Effect of nonvalidated genetic surrogacy**

6 **agreement.** (a) A genetic surrogacy agreement, whether or not
7 in a record, that is not validated under section -58 shall be
8 enforceable only to the extent provided in this section and
9 section -63.

10 (b) If all parties agree, a court may validate a genetic
11 surrogacy agreement after assisted reproduction has occurred but
12 before the birth of a child conceived by assisted reproduction
13 under the agreement.

14 (c) If a child conceived by assisted reproduction under a
15 genetic surrogacy agreement that is not validated under section
16 -58 is born and the genetic surrogate, consistent with
17 section -59(a)(2), withdraws their consent to the agreement
18 before seventy-two hours after the birth of the child, the court
19 shall adjudicate the parentage of the child under part I or VII.

20 (d) If a child conceived by assisted reproduction under a
21 genetic surrogacy agreement that is not validated under section



1 -57 is born and a genetic surrogate does not withdraw their
2 consent to the agreement, consistent with section -59(a)(2),
3 before seventy-two hours after the birth of the child, the
4 genetic surrogate shall not automatically be a parent and the
5 court shall adjudicate parentage of the child based on the best
6 interest of the child, taking into account the factors in
7 section -56(a) and the intent of the parties at the time of
8 the execution of the agreement.

9 (e) The parties to a genetic surrogacy agreement shall
10 have standing to maintain a proceeding to adjudicate parentage
11 under this section.

12 **§ -62 Genetic surrogacy agreement; parentage of deceased**
13 **intended parent.** (a) Except as otherwise provided in section
14 -60 or -61, upon birth of a child conceived by assisted
15 reproduction under a genetic surrogacy agreement, each intended
16 parent shall be, by operation of law, a parent of the child,
17 notwithstanding the death of an intended parent during the
18 period between the transfer of a gamete or embryo and the birth
19 of the child.

20 (b) Except as otherwise provided in section -60 or
21 -61, an intended parent shall not be a parent of a child



1 conceived by assisted reproduction under a genetic surrogacy
2 agreement if the intended parent dies before the transfer of a
3 gamete or embryo unless:

4 (1) The agreement provides otherwise; and

5 (2) The transfer of the gamete or embryo occurs no later
6 than thirty-six months after the death of the intended
7 parent, or the birth of the child occurs no later than
8 forty-five months after the death of the intended
9 parent.

10 **§ -63 Breach of genetic surrogacy agreement. (a)**

11 Subject to section -59(b), if a genetic surrogacy agreement
12 is breached by a genetic surrogate or one or more intended
13 parents, the non-breaching party shall be entitled to all
14 remedies available at law or in equity.

15 (b) Specific performance shall not be a remedy available
16 for breach by a genetic surrogate of a requirement of a
17 validated or non-validated genetic surrogacy agreement that the
18 surrogate undergo insemination or embryo transfer, terminate or
19 not terminate a pregnancy, or submit to medical procedures.

20 (c) Except as otherwise provided in subsection (b),
21 specific performance shall be a remedy available for:



(1) Breach of a validated genetic surrogacy agreement by a genetic surrogate of a requirement which prevents an intended parent from exercising the full rights of parentage seventy-two hours after the birth of the child; or

(2) Breach by an intended parent which prevents the intended parent's acceptance of duties of parentage seventy-two hours after the birth of the child.

PART X. INFORMATION ABOUT DONOR

§ -64 Definitions. As used in this part:

"Identifying information" means:

- (1) The full name of a donor;
- (2) The date of birth of a donor; and
- (3) The permanent and, if different, current address of the donor at the time of the donation.

"Medical history" means information regarding any:

- (1) Present illness of a donor;
- (2) Past illness of the donor; and
- (3) Social, genetic, and family history pertaining to the health of the donor.



1 § -65 **Applicability.** This part applies only to gametes
2 collected on or after the effective date of this chapter.

3 § -66 **Collection of information.** (a) A gamete bank or
4 fertility clinic licensed in the State shall collect from a
5 donor the donor's identifying information and medical history at
6 the time of the donation.

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

12 (c) A gamete bank or fertility clinic licensed in the
13 State shall disclose the information collected under subsections
14 (a) and (b) as provided under section -67.

15 § -67 **Declaration regarding identity disclosure.** (a) A
16 gamete bank or fertility clinic licensed in the State that
17 collects gametes from a donor shall:

18 (1) Provide the donor with information in a record about
19 the donor's choice regarding identity disclosure; and

20 (2) Obtain a declaration from the donor regarding identity
21 disclosure.



(b) A gamete bank or fertility clinic licensed in the State shall give a donor the choice to sign a declaration, attested by a notary public or witnessed, that either:

(1) States that the donor agrees to disclose the donor's identity to a child conceived by assisted reproduction with the donor's gametes on request once the child attains eighteen years of age; or

(2) States that the donor does not agree presently to disclose the donor's identity to the child.

(c) A gamete bank or fertility clinic licensed in the State shall permit a donor who has signed a declaration under subsection (b)(2) to withdraw the declaration at any time by signing a declaration under subsection (b)(1).

§ -68 Disclosure of identifying information and medical history. (a) On request of a child conceived by assisted reproduction who attains eighteen years of age, a gamete bank or fertility clinic licensed in the State that collected the gametes used in the assisted reproduction shall make a good faith effort to provide the child with identifying information of the donor who provided the gametes, unless the donor signed and did not withdraw a declaration under section -67(b)(2).



1 If the donor signed and did not withdraw the declaration, the
2 gamete bank or fertility clinic shall make a good faith effort
3 to notify the donor, who may elect under section -67(c) to
4 withdraw the donor's declaration.

5 (b) Regardless of whether a donor signed a declaration
6 under section -67(b)(2), on request by a child conceived by
7 assisted reproduction who attains eighteen years of age, or, if
8 the child is a minor, by a parent or guardian of the child, a
9 gamete bank or fertility clinic licensed in the State that
10 collected the gametes used in the assisted reproduction shall
11 make a good faith effort to provide the child or, if the child
12 is a minor, the parent or guardian of the child, access to non-
13 identifying medical history of the donor.

14 (c) On request of a child conceived by assisted
15 reproduction who attains eighteen years of age, a gamete bank or
16 fertility clinic licensed in the State that received the gametes
17 used in the assisted reproduction from another gamete bank or
18 fertility clinic shall disclose the name, address, telephone
19 number, and electronic mail address of the gamete bank or
20 fertility clinic from which it received the gametes.



1 **§ -69 Recordkeeping.** (a) A gamete bank or fertility
2 clinic licensed in the State that collects gametes for use in
3 assisted reproduction shall maintain identifying information and
4 medical history about each gamete donor. The gamete bank or
5 fertility clinic shall maintain records of gamete screening and
6 testing and comply with reporting requirements, in accordance
7 with federal law and any other applicable law of the State.

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

13 **§ -70 Storage of gametes.** A gamete bank or fertility
14 clinic may deem gametes abandoned upon the storage fee not being
15 paid by the owner or owners of the gametes for a period of six
16 months. The gamete bank or fertility clinic shall send a
17 written correspondence to the last known address of the owner or
18 owners upon the expiration of the six-month failure-to-pay
19 period. If the owner or owners do not respond to the
20 correspondence within thirty days of the correspondence being
21 transmitted, the gametes shall be destroyed in a manner agreed



1 to by the owner or owners in the original contractual agreement.

2 The owner or owners have an affirmative duty to update the
3 gamete bank or fertility clinic if their address changes.

4 **PART XI. OTHERS**

5 **§ -71 Uniformity of application and construction.** This
6 chapter shall be applied and construed to effectuate its general
7 purpose to make uniform the law with respect to the subject of
8 this chapter among states enacting it."

9 **SECTION 3.** Section 26-14.6, Hawaii Revised Statutes, is
10 amended by amending subsection (f) to read as follows:

11 "(f) Effective July 1, 1990, the functions, authority, and
12 obligations, together with the limitations imposed thereon and
13 the privileges and immunities conferred thereby, exercised by a
14 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's
15 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
16 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,
17 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
18 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4, 485A-
19 202, 501-42, 501-171, 501-218, 521-78, 578-4, ~~[584-67]~~ 587-33,
20 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11,
21 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2,



657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14,
804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to
the same extent by the department of public safety."

SECTION 4. Section 338-12, Hawaii Revised Statutes, is
amended to read as follows:

"§338-12 Evidentiary character of certificates.

Certificates filed within thirty days after the time prescribed
therefor shall be prima facie evidence of the facts therein
stated. Data pertaining to the father of a child is prima facie
evidence if:

(1) The alleged [~~father~~] parent is:

(A) The [~~husband~~] spouse of the [~~mother~~], other
parent; or

(B) The acknowledged [~~father~~] parent of the child; or

(2) The [~~father~~] parent and child relationship has been
established under chapter [~~584~~] _____. Data pertaining
to the alleged [~~father~~] parent acknowledging
[~~paternity~~] parentage of the child is admissible as
evidence of [~~paternity~~] parentage in any family court
proceeding, including proceedings under chapter [~~584~~] _____.
_____."



SECTION 5. Section 338-15, Hawaii Revised Statutes, is amended to read as follows:

"§338-15 Late or altered certificates. A person born in the State may file or amend a certificate after the time prescribed, upon submitting proof as required by rules adopted by the department of health. Certificates registered after the time prescribed for filing by the rules of the department of health shall be registered subject to any evidentiary requirements that the department adopts by rule to substantiate the alleged facts of birth. The department may amend a birth certificate to change or establish the identity of a registrant's parent only pursuant to a court order from a court of appropriate jurisdiction or pursuant to a legal establishment of parenthood pursuant to chapter ~~[584-]~~ _____. Amendments that change or establish the identity of a registrant's parent that are made in accordance with this section shall not be considered corrections of personal records pursuant to chapter 92F."

SECTION 6. Section 338-21, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:



1 "(a) All children born to parents not married to each
2 other, irrespective of the marriage of either natural parent to
3 another, (1) on the marriage of the natural parents with each
4 other, (2) on the voluntary, written acknowledgments of
5 ~~[paternity]~~ parentage under oath signed by the natural father
6 and the natural mother, or (3) on establishment of the parent
7 and child relationship under chapter ~~[584,]~~ ____, are entitled to
8 the same rights as those born to parents married to each other
9 and shall take the name so stipulated by their parents or, if
10 the parents do not agree on the name, shall take the name
11 specified by a court of competent jurisdiction to be the name
12 that is in the best interests of the child. The original
13 certificate of birth shall contain the name so stipulated. The
14 child or children or the parents thereof may petition the
15 department of health to issue a new original certificate of
16 birth, and not a duplicate of the original certificate that has
17 been amended, altered, or modified, in the new name of the
18 child, and the department shall issue the new original
19 certificate of birth. As used in this section "name" includes
20 the first name, middle name, or last name."

21 2. By amending subsection (d) to read:



"(d) Nothing in this section shall be construed to limit the power of the courts to order the department to prepare new certificates of birth under section [~~584-23-~~] -21."

SECTION 7. Section 532-6, Hawaii Revised Statutes, is amended to read as follows:

"§532-6 To child born to parents not married to each other. Every child born to parents not married to each other at the time of the child's birth and for whom the parent and child relationship has not been established pursuant to chapter [~~584~~] shall be considered as an heir to the child's mother, and shall inherit her estate, in whole or in part, as the case may be, in like manner as if the child had been born in lawful wedlock."

SECTION 8. Section 560:2-114, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Except as provided in subsections (b) and (c), for purposes of intestate succession by, through, or from a person, an individual is the child of the child's natural parents, regardless of their marital status. The parent and child relationship may be established under chapter [~~584-~~] ."



1 SECTION 9. Section 571-14, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Except as provided in sections 603-21.5 and 604-8,
4 the court shall have exclusive original jurisdiction:

5 (1) To try any offense committed against a child by the
6 child's parent or guardian or by any other person
7 having the child's legal or physical custody, and any
8 violation of section 707-726, 707-727, 709-902,
9 709-903, 709-903.5, 709-904, 709-905, 709-906, or
10 302A-1135, whether or not included in other provisions
11 of this paragraph or paragraph (2);

12 (2) To try any adult charged with:

13 (A) Deserting, abandoning, or failing to provide
14 support for any person in violation of law;

15 (B) An offense, other than a felony, against the
16 person of the defendant's husband or wife;

17 (C) Any violation of an order issued pursuant to
18 chapter 586; or

19 (D) Any violation of an order issued by a family
20 court judge.



1 In any case within paragraph (1) or (2), the court, in its
2 discretion, may waive its jurisdiction over the offense
3 charged;

4 (3) In all proceedings under chapter 580, and in all
5 proceedings under chapter ~~584~~, ____;

6 (4) In proceedings under chapter 575, the Uniform
7 Desertion and Nonsupport Act, and under chapter 576B,
8 the Uniform Interstate Family Support Act;

9 (5) For commitment of an adult alleged to be mentally
10 defective or mentally ill;

11 (6) In all proceedings for support between parent and
12 child or between husband and wife;

13 (7) In all proceedings for pre-trial detention or waiver
14 of jurisdiction over an adult who was a child at the
15 time of an alleged criminal act as provided in section
16 571-13 or 571-22;

17 (8) In all proceedings under chapter 586, Domestic Abuse
18 Protective Orders; and

19 (9) For the protection of vulnerable adults under chapter
20 346, part X.



1 In any case within paragraph (3), (4), or (6), the attorney
2 general, through the child support enforcement agency, may
3 exercise concurrent jurisdiction as provided in chapter
4 576E."

5 SECTION 10. Section 571-50, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§571-50 Modification of decree, rehearing.** Except as
8 otherwise provided by this chapter, any decree or order of the
9 court may be modified at any time.

10 At any time during supervision of a child the court may
11 issue notice or other appropriate process to the child if the
12 child is of sufficient age to understand the nature of the
13 process, to the parents, and to any other necessary parties to
14 appear at a hearing on a charge of violation of the terms of
15 supervision, for any change in or modification of the decree or
16 for discharge. The provisions of this chapter relating to
17 process, custody, and detention at other stages of the
18 proceeding shall be applicable.

19 A parent, guardian, custodian, or next friend of any child
20 whose status has been adjudicated by the court, or any adult
21 affected by a decree of the court, at any time may petition the



1 court for a rehearing on the ground that new evidence, which was
2 not known or not available through the exercise of due diligence
3 at the time of the original hearing and which might affect the
4 decree, has been discovered. Upon a satisfactory showing of
5 this evidence, the court shall order a new hearing and make any
6 disposition of the case that the facts and the best interests of
7 the child warrant.

8 A parent, guardian, or next friend of a child whose legal
9 custody has been transferred by the court to an institution,
10 facility, agency, or person may petition the court for
11 modification or revocation of the decree, on the ground that the
12 legal custodian has wrongfully denied application for the
13 release of the child or has failed to act upon it within a
14 reasonable time, or has acted in an arbitrary manner not
15 consistent with the welfare of the child or the public interest.

16 An institution, facility, agency, or person vested with legal
17 custody of a child may petition the court for a renewal,
18 modification, or revocation of the custody order on the ground
19 that the change is necessary for the welfare of the child or in
20 the public interest. The court may dismiss the petition if on
21 preliminary investigation it finds the petition without



1 substance. If the court is of the opinion that the decree
2 should be reviewed, it shall conduct a hearing on notice to all
3 parties concerned, and may enter an order continuing, modifying,
4 or terminating the decree.

5 Notwithstanding the foregoing provisions of this section
6 the court's authority with respect to the review, rehearing,
7 renewal, modification, or revocation of decrees, judgments, or
8 orders entered in the hereinbelow listed classes of proceedings
9 shall be limited by any specific limitations set forth in the
10 statutes governing these proceedings or in any other
11 specifically applicable statutes or rules. These proceedings
12 are as follows:

13 (1) Annulment, divorce, separation, and other proceedings
14 under chapter 580;

15 (2) Adoption proceedings under chapter 578;

16 (3) [~~Paternity~~] Parentage proceedings under chapter [~~584~~]
17 ;

18 (4) Termination of parental rights proceedings under this
19 chapter; and

20 (5) State hospital commitment proceedings under chapter
21 334.



1 A decree, judgment, or order committing a child to the care
2 of the director of human services shall be reviewable under this
3 section at the instance of others other than duly authorized
4 representatives of the department only after a lapse of thirty
5 days following the date of the decree, judgment, or order, and
6 thereafter only at intervals of not less than one year.

7 Notwithstanding this section the court shall not conduct a
8 rehearing of any petition, filed under section 571-11(1), which,
9 following a hearing, has been denied or dismissed."

10 SECTION 11. Section 571-52.6, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§571-52.6 Child support order, judgment, or decree;**
13 **accident and health or sickness insurance coverage.** Each order,
14 judgment, or decree under this chapter or chapter 576B, 580, or
15 [584] ____ ordering a person to pay child support shall include
16 the following provisions:

- 17 (1) Both the obligor and the obligee are required to file
18 with the state case registry, through the child
19 support enforcement agency, upon entry of the child
20 support order and to update as appropriate,
21 information on the identity and location of the party,



1 including social security number, residential and
2 mailing addresses, telephone number, driver's license
3 number if different from social security number, and
4 name, address, and telephone number of the party's
5 employer; and

6 (2) The liability of that person for accident and health
7 or sickness insurance coverage when available at
8 reasonable cost."

9 SECTION 12. Section 571-84, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) The court shall maintain records of all cases brought
12 before it. Except as provided in sections 571-84.6 and ~~[584-~~
13 ~~20-57]~~ ____-19, in proceedings under section 571-11 and in
14 ~~[paternity]~~ parentage proceedings under chapter ~~[584,]~~ ____, the
15 following records shall be withheld from public inspection: the
16 court docket, petitions, complaints, motions, and other papers
17 filed in any case; transcripts of testimony taken by the court;
18 and findings, judgments, orders, decrees, and other papers other
19 than social records filed in proceedings before the court. The
20 records other than social records shall be open to inspection:
21 by the parties and their attorneys, by an institution or agency



1 to which custody of a minor has been transferred, and by an
2 individual who has been appointed guardian; with consent of the
3 judge, by persons having a legitimate interest in the
4 proceedings from the standpoint of the welfare of the minor;
5 and, pursuant to order of the court or the rules of court, by
6 persons conducting pertinent research studies, and by persons,
7 institutions, and agencies having a legitimate interest in the
8 protection, welfare, treatment, or disposition of the minor."

9 SECTION 13. Section 571-84.5, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§571-84.5 Support order, decree, judgment, or
12 acknowledgment; social security number. The social security
13 number of any individual who is a party to a divorce decree, or
14 subject to a support order or [~~paternity~~] parentage
15 determination, or has made an acknowledgment of [~~paternity~~]
16 parentage issued under this chapter or chapter 576B, 580, or
17 [584] ____ shall be placed in the records relating to the
18 matter."

19 SECTION 14. Section 571-87, Hawaii Revised Statutes, is
20 amended by amending subsection (c) to read as follows:



"(c) The maximum allowable fee shall not exceed the following schedule:

(1) Cases arising under chapters [†]587A[†] and 346, part X:

(A) Predisposition \$3,000;

(B) Postdisposition review hearing \$1,000;

(2) Cases arising under chapters 560, 571, 580, and

[584] ____ \$3,000.

Payments in excess of any maximum provided for under paragraphs (1) and (2) may be made whenever the court in which the representation was rendered certifies, based upon representations of extraordinary circumstances, attested to by the applicant, that the amount of the excess payment is necessary to provide fair compensation in light of those circumstances, and the payment is approved by the administrative judge of that court."

SECTION 15. Section 571-92, Hawaii Revised Statutes, is amended to read as follows:

"§571-92 Application. This part shall only apply to actions under chapters 580 and [584-] _____. Nothing in this part shall supersede any provision of any existing state or federal



1 law. The provisions in this part shall be interpreted
2 consistently with other relevant laws and the standard of "best
3 interest of the child" shall remain paramount."

4 SECTION 16. Section 574-3, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§574-3 Children born to parents not married to each
7 other. The registrar of births shall register any child born to
8 parents not married to each other at the time of the child's
9 birth and where either the natural parents have not married each
10 other or where the parent and child relationship has not been
11 established pursuant to chapter [584-7] ____, as having both a
12 family name and given name chosen by the mother."

13 SECTION 17. Section 576B-401, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) The tribunal may issue a temporary child support
16 order if the tribunal determines that the order is appropriate
17 and the individual ordered to pay is:

- 18 (1) A presumed [~~father~~] parent of the child;
19 (2) Petitioning to have [~~paternity~~] parentage adjudicated;
20 (3) Identified as the [~~father~~] parent of the child through
21 genetic testing;



1 (4) An alleged [~~father~~] parent who has declined to submit
2 to genetic testing;

3 (5) Shown by clear and convincing evidence to be the
4 [~~father~~] parent of the child;

5 (6) An acknowledged [~~father~~] parent as provided by section
6 [~~584-3.5,~~] -8;

7 (7) The [~~mother of~~] individual who gave birth to the
8 child; or

9 (8) An individual who has been ordered to pay child
10 support in a previous proceeding and the order has not
11 been reversed or vacated."

12 SECTION 18. Section 576B-402, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 "(b) In a proceeding to determine parentage, a responding
15 tribunal of this State shall apply chapter [584] and the
16 rules of this State on choice of law."

17 SECTION 19. Section 576E-2, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§576E-2 Attorney general; powers.** Notwithstanding any
20 other law to the contrary, the attorney general, through the
21 agency and the office, shall have concurrent jurisdiction with



1 the court in all proceedings in which a support obligation is
2 established, modified, or enforced, including but not limited to
3 proceedings under chapters 571, 580, [~~584,~~] ____, and 576B. The
4 attorney general, through the agency and the office, may
5 establish, modify, suspend, terminate, and enforce child support
6 obligations and collect or enforce spousal support using the
7 administrative process provided in this chapter on all cases for
8 which the department has a responsibility under Title IV-D of
9 the Social Security Act, including but not limited to welfare
10 and nonwelfare cases in which the responsible parent is subject
11 to the department's jurisdiction, regardless of the residence of
12 the children for whom support is sought. These powers shall
13 include but not be limited to the power to:

- 14 (1) Conduct investigations into the ability of parties to
15 pay support and into nonpayment of support;
- 16 (2) Administer oaths, issue subpoenas, and require
17 production of books, accounts, documents, and
18 evidence;
- 19 (3) Establish, modify, suspend, terminate, or enforce a
20 child support order and to collect or enforce a



1 spousal support order in conjunction with a child
2 support order;

3 (4) Determine that a party has not complied with a court
4 or administrative order of support and make
5 recommendations to the court or other agency with
6 respect to contempt or other appropriate proceedings;

7 (5) Establish arrearage;

8 (6) Establish an order for child support for periods which
9 public assistance was provided to the child or
10 children by the department of human services;

11 (7) Order and enforce assignment of future income under
12 section 576E-16, chapter 571, and section 576D-14;

13 (8) Exercise the powers and authority described in this
14 section, notwithstanding the existence of a prior
15 court or administrative order of support issued by
16 another state or foreign jurisdiction, except as
17 modified or limited by this chapter;

18 (9) Determine that an obligor owes past-due support with
19 respect to a child receiving assistance under a state
20 program funded under Title IV-A of the Social Security
21 Act, including Aid to Families with Dependent Children



1 and Temporary Assistance to Needy Families and
2 petition the court to issue an order that requires the
3 obligor to pay such support in accordance with a plan
4 approved by the court or, if the obligor is subject to
5 such a plan and is not incapacitated, participate in
6 work activities, as defined in 42 U.S.C. §607(d), as
7 the court deems appropriate;

8 (10) Order genetic testing pursuant to chapter [584] ____
9 for the purpose of establishing [~~paternity,~~
10 parentage, with payment of costs to be made by the
11 agency, subject to recoupment by the State from [~~the~~
12 ~~father or the mother,~~] a parent if appropriate, if
13 [~~paternity~~] parentage is established, and to also
14 order additional testing in any case if an original
15 test result is contested, upon request and advance
16 payment by the contestant;

17 (11) Exercise the powers and authority described in this
18 section, notwithstanding the existence of a prior
19 court or administrative order of support issued by
20 another state or foreign jurisdiction, except as



1 modified or limited by this chapter and chapter 576B;

2 and

3 (12) Delegate the powers and authority described in this
4 section to hearings officers and employees of the
5 agency."

6 SECTION 20. Section 607-5.6, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) In addition to the fees prescribed under section 607-
9 5 for a matrimonial action where either party has a minor child,
10 or a family court proceeding under chapter ~~[584,]~~ ____, the court
11 shall collect a surcharge of \$50 at the time of filing the
12 initial complaint or petition. In cases where the surcharge has
13 been initially waived, the court may collect the surcharge
14 subsequent to the filing with such surcharge to be assessed from
15 either party or apportioned between both parties."

16 SECTION 21. Section 634-37, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§634-37 Presumption of notice and service of process in**
19 **child support cases.** Whenever notice and service of process is
20 required for child support enforcement proceedings subsequent to
21 an order issued pursuant to chapter 571, 576B, 576E, 580, or



1 ~~[584,]~~ _____, upon a showing that diligent effort has been made to
2 ascertain the location of a party, notice and service of process
3 shall be presumed to be satisfied upon delivery of written
4 notice to the most recent residential or employer address on
5 file with the state case registry pursuant to section 571-52.6."

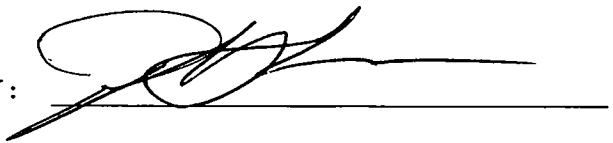
6 SECTION 22. Chapter 584, Hawaii Revised Statutes, is
7 repealed.

8 SECTION 23. This Act does not affect rights and duties
9 that matured, penalties that were incurred, and proceedings that
10 were begun before its effective date.

11 SECTION 24. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 25. This Act shall take effect on January 1, 2023.

14
INTRODUCED BY: _____

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line.

S.B. NO. 2747

Report Title:

Uniform Parentage Act; Repeal; Amend

Description:

Repeals and replaces the Uniform Parentage Act of 1973 with the Uniform Parentage Act of 2017. Effective 1/1/2023.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

