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# A BILL FOR AN ACT

RELATING TO GENDER-NEUTRAL TERMINOLOGY.

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

1           SECTION 1. Section 321-342, Hawaii Revised Statutes, is  
2 amended by amending the definition of "family" to read as  
3 follows:

4           "Family" means:

5           (1) Each legal parent;

6           (2) [~~The~~] Each natural [~~mother,~~

7           ~~(3) The natural father,~~] parent;

8           [~~(4)~~] (3) The adjudicated, presumed, or concerned natural  
9           [~~father~~] parent as defined under section 578-2;

10          [~~(5)~~] (4) Each parent's spouse or former spouses;

11          [~~(6)~~] (5) Each sibling or person related by consanguinity  
12          or marriage;

13          [~~(7)~~] (6) Each person residing in the same dwelling unit;  
14          and

15          [~~(8)~~] (7) Any other person who, or legal entity that, is a  
16          child's legal or physical custodian or guardian, or  
17          who is otherwise responsible for the child's care,



1 other than an authorized agency that assumes such a  
2 legal status or relationship with the child under  
3 chapter 587A."

4 SECTION 2. Section 571-61, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§571-61 Termination of parental rights; petition. (a)  
7 Relinquishment. The parents or either parent or the surviving  
8 parent who desire to relinquish parental rights to any natural  
9 or adopted child and thus make the child available for adoption  
10 or readoption, may petition the family court of the circuit in  
11 which [~~they or he or she~~] the parents or parent resides, or of  
12 the circuit in which the child resides, or was born, for the  
13 entry of a judgment of termination of parental rights. The  
14 petition shall be verified and shall be substantially in [~~such~~]  
15 a form as may be prescribed by the judge or senior judge of the  
16 family court. The petition may be filed at any time following  
17 the [~~mother's~~] birthing parent's sixth month of pregnancy;  
18 provided that no judgment may be entered upon a petition  
19 concerning an unborn child until after the birth of the child  
20 and in respect to a legal parent or parents until the petitioner  
21 or petitioners have filed in the termination proceeding a



1 written reaffirmation of their desires as expressed in the  
2 petition or in respect to a legal parent or parents until the  
3 petitioner or petitioners have been given not less than ten  
4 days' notice of a proposal for the entry of judgment and an  
5 opportunity to be heard in connection with [~~sueh~~] the proposal.

6 (b) Involuntary termination.

7 (1) The family courts may terminate the parental rights in  
8 respect to any child as to any legal parent:

9 (A) Who has deserted the child without affording  
10 means of identification for a period of at least  
11 ninety days;

12 (B) Who has voluntarily surrendered the care and  
13 custody of the child to another for a period of  
14 at least two years;

15 (C) Who, when the child is in the custody of another,  
16 has failed to communicate with the child when  
17 able to do so for a period of at least one year;

18 (D) Who, when the child is in the custody of another,  
19 has failed to provide for care and support of the  
20 child when able to do so for a period of at least  
21 one year;



- 1 (E) Whose child has been removed from the parent's  
2 physical custody pursuant to legally authorized  
3 judicial action under section 571-11(9), and who  
4 is found to be unable to provide now and in the  
5 foreseeable future the care necessary for the  
6 well-being of the child;
- 7 (F) Who is found by the court to be mentally ill or  
8 intellectually disabled and incapacitated from  
9 giving consent to the adoption of or from  
10 providing now and in the foreseeable future the  
11 care necessary for the well-being of the child;  
12 or
- 13 (G) Who is found not to be the child's natural or  
14 adoptive [~~father~~] non-birthing parent.
- 15 (2) The family courts may terminate the parental rights in  
16 respect to any minor of any natural but not legal  
17 [~~father~~] non-birthing parent who is an adjudicated,  
18 presumed or concerned [~~father~~] non-birthing parent  
19 under chapter 578, or who is named as the [~~father~~]  
20 non-birthing parent on the child's birth certificate:



- 1 (A) Who falls within paragraph (1) (A), (B), (C), (D),  
2 (E), or (F);
- 3 (B) Whose child is sought to be adopted by the  
4 child's [~~stepfather~~] birthing parent's spouse and  
5 the [~~stepfather~~] birthing parent's spouse has  
6 lived with the child and the child's legal  
7 [~~mother~~] birthing parent for a period of at least  
8 one year;
- 9 (C) Who is only a concerned [~~father~~] non-birthing  
10 parent who has failed to file a petition for the  
11 adoption of the child or whose petition for the  
12 adoption of the child has been denied; or
- 13 (D) Who is found to be an unfit or improper parent or  
14 to be financially or otherwise unable to give the  
15 child a proper home and education.
- 16 (3) In respect to any proceedings under paragraphs (1) and  
17 (2), the authority to terminate parental rights may be  
18 exercised by the court only when a verified petition,  
19 substantially in the form above prescribed, has been  
20 filed by some responsible adult person on behalf of  
21 the child in the family court of the circuit in which



1 the parent resides or the child resides or was born  
2 and the court has conducted a hearing of the petition.  
3 A copy of the petition, together with notice of the  
4 time and place of the hearing thereof, shall be  
5 personally served at least twenty days prior to the  
6 hearing upon the parent whose rights are sought to be  
7 terminated. If personal service cannot be effected  
8 within the State, service of the notice may be made as  
9 provided in section 634-23 or 634-24.

10 (4) The family courts may terminate the parental rights in  
11 respect to any child as to any natural [~~father~~] non-  
12 birthing parent who is not the child's legal,  
13 adjudicated, presumed or concerned [~~father~~] non-  
14 birthing parent under chapter 578.

15 (5) The family courts may terminate the parental rights in  
16 respect to any child of any natural parent upon a  
17 finding by clear and convincing evidence that the  
18 natural parent committed sexual assault of the other  
19 natural parent, or an equivalent offense under the  
20 laws of another state, territory, possession, or  
21 Native American tribe where the offense occurred, and



1 the child was conceived as a result of the sexual  
2 assault perpetrated by the parent whose rights are  
3 sought to be terminated; provided that:

4 (A) The court shall accept, as conclusive proof of  
5 the sexual assault, a guilty plea or conviction  
6 of the child's natural parent for the sexual  
7 assault, or an equivalent offense under the laws  
8 of another state, territory, possession, or  
9 Native American tribe where the offense occurred,  
10 of the other natural parent;

11 (B) Termination shall mean, when used with respect to  
12 parental rights in this paragraph, a complete and  
13 final termination of the parent's right to  
14 custody of, guardianship of, visitation with,  
15 access to, and inheritance from a child;

16 (C) The termination of parental rights shall not  
17 affect the obligation of the child's natural  
18 parent to support the child;

19 (D) The court may order the child's natural parent to  
20 pay child support;



1 (E) It is presumed that termination of parental  
2 rights is in the best interest of the child if  
3 the child was conceived as a result of the sexual  
4 assault;

5 (F) This paragraph shall not apply if subsequent to  
6 the date of the sexual assault, the child's  
7 natural parent and custodial natural parent  
8 cohabituate and establish a mutual custodial  
9 environment for the child; and

10 (G) The custodial natural parent may petition the  
11 court to reinstate the child's natural parent's  
12 parental rights terminated pursuant to this  
13 paragraph.

14 Such authority may be exercised under this chapter only  
15 when a verified petition, substantially in the form above  
16 prescribed, has been filed by some responsible adult person on  
17 behalf of the child in the family court of the circuit in which  
18 the parent resides or the child resides or was born, and the  
19 court has conducted a hearing of the petition.

20 If the [~~mother~~] birthing parent of the child files with the  
21 petition an affidavit representing that the identity or



1 whereabouts of the child's [~~father~~] non-birthing parent is  
2 unknown to [~~her~~] or not ascertainable by [~~her~~] the birthing  
3 parent or that other good cause exists why notice cannot or  
4 should not be given to the [~~father,~~] non-birthing parent, the  
5 court shall conduct a hearing to determine whether notice is  
6 required.

7 If the court finds that good cause exists why notice cannot  
8 or should not be given to the child's [~~father,~~] non-birthing  
9 parent, and that the [~~father~~] non-birthing parent is neither the  
10 legal nor adjudicated nor presumed [~~father~~] non-birthing parent  
11 of the child, nor has [~~he~~] the non-birthing parent demonstrated  
12 a reasonable degree of interest, concern, or responsibility as  
13 to the existence or welfare of the child, the court may enter an  
14 order authorizing the termination of the [~~father's~~] non-birthing  
15 parent's parental rights and the subsequent adoption of the  
16 child without notice to the [~~father,~~] non-birthing parent."

17 SECTION 3. Section 578-1, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 "§578-1 Who may adopt; jurisdiction; venue. Any [~~proper~~]  
20 unmarried adult person[~~, not married,~~] or any person married to  
21 the legal [~~father or mother~~] non-birthing parent or birthing



1 parent of a minor child, or a [~~husband and wife~~] married couple  
2 jointly, may petition the family court of the circuit in which  
3 the person or persons reside or are in military service or the  
4 family court of the circuit in which the individual to be  
5 adopted resides or was born or in which a child placing  
6 organization approved by the department of human services under  
7 the provisions of section 346-17 having legal custody (as  
8 defined in section 571-2) of the child is located, for leave to  
9 adopt an individual toward whom the person or persons do not  
10 sustain the legal relationship of parent and child and for a  
11 change of the name of the individual. When adoption is the goal  
12 of a permanent plan recommended by the department of human  
13 services and ordered pursuant to section 587A-31, the department  
14 may petition for adoption on behalf of the proposed adoptive  
15 parents. The petition shall be in [~~such~~] a form and shall  
16 include [~~such~~] information and exhibits as may be prescribed by  
17 the family court."

18 SECTION 4. Section 578-2, Hawaii Revised Statutes, is  
19 amended as follows:

20 1. By amending subsection (a) to read:



1           "(a) Persons required to consent to adoption. Unless  
2 consent is not required or is dispensed with under subsection  
3 (c) [~~hereof~~], a petition to adopt a child may be granted only if  
4 written consent to the proposed adoption has been executed by:

- 5           (1) The [~~mother~~] birthing parent of the child;
- 6           (2) A legal [~~father~~] non-birthing parent [as] to whom the  
7 child is a legitimate child;
- 8           (3) An adjudicated [~~father~~] non-birthing parent whose  
9 relationship to the child has been determined by a  
10 court;
- 11           (4) A presumed [~~father~~] non-birthing parent under [~~section~~  
12 ~~578-2(d)~~]; subsection (d);
- 13           (5) A concerned natural [~~father~~] non-birthing parent who  
14 is not the legal, adjudicated, or presumed [~~father~~]  
15 non-birthing parent but who has demonstrated a  
16 reasonable degree of interest, concern or  
17 responsibility as to the welfare of a child, either:
- 18           (A) During the first thirty days after [~~such~~] the  
19 child's birth; [~~or~~]



1 (B) [~~Prior to~~] Before the execution of a valid  
2 consent by the [~~mother~~] birthing parent of the  
3 child; or

4 (C) [~~Prior to~~] Before the placement of the child with  
5 adoptive parents;

6 whichever period of time is greater;

7 (6) Any person or agency having legal custody of the child  
8 or legally empowered to consent;

9 (7) The court having jurisdiction of the custody of the  
10 child, if the legal guardian or legal custodian of the  
11 person of the child is not empowered to consent to  
12 adoption; and

13 (8) The child to be adopted if the child is more than ten  
14 years of age, unless the court, in the best interest  
15 of the child, dispenses with the child's consent."

16 2. By amending subsections (c) through (e) to read:

17 "(c) Persons as to whom consent not required or whose  
18 consent may be dispensed with by order of the court.

19 (1) Persons as to whom consent not required:



- 1 (A) A parent who has deserted a child without  
2 affording means of identification for a period of  
3 ninety days;
- 4 (B) A parent who has voluntarily surrendered the care  
5 and custody of the child to another for a period  
6 of two years;
- 7 (C) A parent of the child in the custody of another,  
8 if the parent for a period of at least one year  
9 has failed to communicate with the child when  
10 able to do so;
- 11 (D) A parent of a child in the custody of another, if  
12 the parent for a period of at least one year has  
13 failed to provide for the care and support of the  
14 child when able to do so;
- 15 (E) A natural [~~father~~] non-birthing parent who was  
16 not married to the child's [~~mother~~] birthing  
17 parent at the time of the child's conception or  
18 birth and who does not fall within the provisions  
19 of subsection (a) (3), (4), or (5);
- 20 (F) A parent whose parental rights have been  
21 judicially terminated under the provisions of



1 sections 571-61 to 571-63, or under the  
2 provisions of any other state or other law by a  
3 court or other agency having jurisdiction to take  
4 the action;

5 (G) A parent who is judicially declared mentally ill  
6 or intellectually disabled and [~~who is~~] found by  
7 the court to be incapacitated from giving consent  
8 to the adoption of the child;

9 (H) Any legal guardian or legal custodian of the  
10 child sought to be adopted, other than a parent,  
11 who has failed to respond in writing to a request  
12 for consent for a period of sixty days or who,  
13 after examination of the person's written reasons  
14 for withholding consent, is found by the court to  
15 be withholding the person's consent unreasonably;

16 (I) A parent of a child who has been in the custody  
17 of a petitioner under this chapter for a period  
18 of at least one year and who entered the United  
19 States of America as a consequence of  
20 extraordinary circumstances in the child's  
21 country of origin, by reason of which



1 extraordinary circumstances the existence,  
2 identity, or whereabouts of the child's parents  
3 is not reasonably ascertainable or there is no  
4 reasonable means of obtaining suitable evidence  
5 of the child's identity or availability for  
6 adoption;

7 (J) Any parent of the individual to be adopted, if  
8 the individual is an adult eligible for adoption  
9 under subsection (b); and

10 (K) A parent whose parental and custodial duties and  
11 rights have been divested by an award of  
12 permanent custody pursuant to section 587A-33;

13 (2) Persons whose consent may be dispensed with by order  
14 of the court. The court may dispense with the consent  
15 of a parent who comes within subsection (a)(3), (4),  
16 or (5) [~~herein~~], upon finding that:

17 (A) The petitioner is the [~~stepfather~~] birthing  
18 parent's spouse of the child and the child has  
19 lived with the child's legal [~~mother~~] birthing  
20 parent and the petitioning [~~stepfather~~] birthing



1           parent's spouse for a period of at least one  
2           year;

3           (B) The [~~father~~] non-birthing parent is a concerned  
4           [~~father~~] non-birthing parent as provided by  
5           subsection (a) (5) [~~, herein,~~] and has not filed a  
6           petition to adopt the child, or the petition to  
7           adopt the child filed by the [~~father~~] non-  
8           birthing parent has been denied; or

9           (C) The [~~father~~] non-birthing parent is an  
10          adjudicated, presumed, or concerned [~~father~~] non-  
11          birthing parent as provided by [~~subsections~~]  
12          subsection (a) (3), (4), or (5) [~~, herein,~~] and is  
13          not a fit and proper person or is not financially  
14          or otherwise able to give the child a proper home  
15          and education.

16          (d) Presumption of [~~paternity,~~] biological parentage. A  
17          [~~man~~] person is presumed to be the natural [~~father~~] non-birthing  
18          parent of a child if:

19          (1) [He] The person and the child's [~~natural mother~~]  
20          birthing parent are or have been married to each other  
21          and the child is born during the marriage, or within



1 three hundred days after the marriage is terminated by  
2 death, annulment, declaration of invalidity, or  
3 divorce, or after a decree of separation is entered by  
4 a court;

5 (2) Before the child's birth, [~~he~~] the person and the  
6 child's [~~natural mother~~] birthing parent have  
7 attempted to marry each other by a marriage solemnized  
8 in apparent compliance with law, although the  
9 attempted marriage is or could be declared invalid,  
10 and:

11 (A) If the attempted marriage could be declared  
12 invalid only by a court, the child is born during  
13 the attempted marriage, or within three hundred  
14 days after its termination by death, annulment,  
15 declaration of invalidity, or divorce; or

16 (B) If the attempted marriage is invalid without a  
17 court order, the child is born within three  
18 hundred days after the termination of  
19 cohabitation;

20 (3) After the child's birth, [~~he~~] the person and the  
21 child's [~~natural mother~~] birthing parent have married,



1 or attempted to marry, each other by a marriage  
2 solemnized in apparent compliance with law, although  
3 the attempted marriage is or could be declared  
4 invalid; and

5 (A) [He] The person has acknowledged [~~his paternity~~]  
6 the person's biological parentage of the child in  
7 writing filed with the department of health;

8 (B) With [~~his~~] the person's consent [~~he~~] the person  
9 is named as the child's [~~father~~] non-birthing  
10 parent on the child's birth certificate; or

11 (C) [He] The person is obligated to support the child  
12 under a written voluntary promise or by court  
13 order;

14 (4) While the child is under the age of majority, [~~he~~] the  
15 person receives the child into [~~his~~] the person's home  
16 and openly holds out the child as [~~his~~] the person's  
17 natural child; or

18 (5) [He] The person acknowledges [~~his paternity~~] the  
19 person's biological parentage of the child in writing  
20 filed with the department of health, which shall  
21 promptly inform the [~~mother~~] birthing parent of the



1 filing of the acknowledgment, and [~~she~~] the birthing  
2 parent does not dispute the acknowledgment within a  
3 reasonable time after being informed thereof, in a  
4 writing filed with the department of health. If  
5 another [~~man~~] person is presumed under this section to  
6 be the child's [~~father,~~] non-birthing parent,  
7 acknowledgment may be effected only with the written  
8 consent of the presumed [~~father~~] non-birthing parent  
9 or after the presumption has been rebutted. If the  
10 acknowledgment is filed and not disputed by the  
11 [~~mother~~] birthing parent and if another [~~man~~] person  
12 is not presumed under this section to be the child's  
13 [~~father,~~] non-birthing parent, the department of  
14 health shall prepare a new certificate of birth in  
15 accordance with chapter 338.

16 (e) Notice of hearing; minor parent; consent authorizing  
17 selection of adoptive parents. No hearing of a petition for  
18 adoption shall be had unless each of the living parents of the  
19 child who falls within the provisions of subsection (a) and who  
20 has not consented to the proposed adoption, but who is alleged  
21 to [~~come~~] fall within the provisions of [~~subsection~~] subsections



1 (c) (1) (A), (B), (C) and (D) or (c) (2) [~~of this section~~], and any  
2 ~~[man]~~ person whose name appears as ~~[father]~~ non-birthing parent  
3 on the child's birth certificate, shall have had due notice,  
4 actual or constructive, of the allegations of the petition and  
5 of the time and place of the hearing thereof. Such notice need  
6 not be given to any parent whose parental rights have been  
7 legally terminated as hereinabove provided or whose consent has  
8 been filed with the court.

9 The minority of a child's parent shall not be a bar to the  
10 right of ~~[such]~~ the parent to execute a valid and binding  
11 consent to the adoption of ~~[such]~~ the child.

12 Any parental consent required hereunder shall be valid and  
13 binding even though it does not designate any specific adoptive  
14 parent or parents, if it clearly authorizes the department of  
15 human services, or a child placing organization approved by the  
16 department under the provisions of section 346-17 or some proper  
17 person not forbidden by law to place a child for adoption, to  
18 select and approve an adoptive parent or parents for the child."

19 SECTION 5. Section 578-14.5, Hawaii Revised Statutes, is  
20 amended as follows:

21 1. By amending subsection (b) to read:



1           "(b) All affected public agencies and all child placing  
2 organizations approved by the department of human services under  
3 section 346-17 shall make reasonable efforts to complete this  
4 form with medical information on both natural parents, to obtain  
5 from the natural parents written consent to the release of this  
6 information to or for the benefit of the adopted child, and  
7 whenever possible, to obtain from the [~~natural mother~~] birthing  
8 parent a signed release to receive a copy of all of [~~her~~] the  
9 birthing parent's medical records, relating to the birth of the  
10 adopted child, which are within the possession of the hospital  
11 or other facility at which the child was born. When applicable,  
12 the family court may require the petitioner or the petitioner's  
13 agent in the adoption proceeding to obtain this completed form  
14 from the natural parents with their consents and the signed  
15 release from the [~~natural mother.~~] birthing parent."

16           2. By amending subsection (g) to read:

17           "(g) The completed forms and, if applicable, the  
18 previously sealed copy of the [~~natural mother's~~] birthing  
19 parent's medical records shall be forwarded to the department of  
20 health. The department shall extract from the medical records  
21 pertinent information relating to inheritable diseases and



1 genetic disorders and shall retain this information in an  
2 abstract. The completed forms and the abstract, if available,  
3 shall be included in the department's adoption records."

4 3. By amending subsection (i) to read:

5 "(i) Upon the filing of the application in subsection (h),  
6 the department of health shall furnish the applicant with a copy  
7 of the completed forms and, if available, the abstract of  
8 pertinent information from the natural ~~mother's~~ birthing  
9 parent's medical records. The department is authorized to  
10 disclose the information under this subsection without prior  
11 court approval, notwithstanding section 338-20(e).

12 Nothing in this section shall be construed or applied in  
13 any manner to require any public agency or child placing  
14 organization to reveal the identities of the natural parents  
15 without their consents."

16 SECTION 6. Section 578-15, Hawaii Revised Statutes, is  
17 amended by amending subsections (a) and (b) to read as follows:

18 "(a) The records in adoption proceedings, after the  
19 petition is filed and ~~prior to~~ before the entry of the decree,  
20 shall be open to inspection only by the parties or their  
21 attorneys, the director of human services or the director's



1 agent, or by any proper person on a showing of good cause  
2 therefor, upon order of the court. Except in the case of an  
3 individual being adopted by a person married to the legal  
4 [~~father or mother~~] non-birthing parent or birthing parent of the  
5 individual or unless authorized by the court, no petition for  
6 adoption shall set forth the name of the individual sought to be  
7 adopted or the name of either of the parents of the individual;  
8 provided that the legal name of the individual and the name of  
9 each of the individual's legal parents may be added to the  
10 petition by amendment during the course of the hearing thereof  
11 and shall be included in the decree. The hearing of the  
12 petition shall be in chambers and shall not be open to the  
13 public.

14 (b) Upon the entry of the decree, or upon the later  
15 effective date of the decree, or upon the dismissal or  
16 discontinuance or other final disposition of the petition, the  
17 clerk of the court shall seal all records in the proceedings;  
18 provided that upon the written request of the petitioner or  
19 petitioners, the court may waive the requirement that the  
20 records be sealed. The seal shall not be broken and the records



1 shall not be inspected by any person, including the parties to  
2 the proceedings, except:

3 (1) Upon order of the family court upon a showing of good  
4 cause;

5 (2) After the adopted individual attains the age of  
6 eighteen and upon submission to the family court of a  
7 written request for inspection by the adopted  
8 individual or the adoptive parents;

9 (3) After the adopted individual attains the age of  
10 eighteen and upon submission to the family court of a  
11 written request for inspection by the natural parents;

12 (4) Upon request by the adopted individual or the adoptive  
13 parents for information contained in the records  
14 concerning ethnic background and necessary medical  
15 information; or

16 (5) Upon request by a natural parent for a copy of the  
17 original birth certificate.

18 As used in this subsection, "natural parent" means a biological  
19 ~~[mother or father,]~~ birthing parent or non-birthing parent, or a  
20 legal parent who is not also the biological parent."



1 SECTION 7. Section 580-21, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§580-21 Grounds for annulment. The family court, by a  
4 decree of nullity, may declare void the marriage contract for  
5 any of the following causes, existing at the time of the  
6 marriage:

- 7 (1) That the parties stood in relation to each other of  
8 ancestor and descendant of any degree whatsoever,  
9 ~~[brother and sister]~~ siblings of the half as well as  
10 the whole blood, ~~[uncle and niece, aunt and nephew,]~~ a  
11 person's biological parent's sibling and child of the  
12 person's biological parent's sibling, whether the  
13 relationship is the result of the issue of parents  
14 married or not married to each other;
- 15 (2) That the parties, or either of them, had not attained  
16 the legal age of marriage;
- 17 (3) That ~~[the husband]~~ one of the parties had an  
18 undivorced ~~[wife]~~ spouse living ~~[, or the wife had an~~  
19 ~~undivorced husband living,]~~ i
- 20 (4) That one of the parties lacked the mental capacity to  
21 consent to the marriage;



1 (5) That consent to the marriage of the party applying for  
2 annulment was obtained by force, duress, or fraud, and  
3 there has been no subsequent cohabitation; and

4 (6) That one of the parties was a sufferer of or afflicted  
5 with any loathsome disease and the fact was concealed  
6 from, and unknown to, the party applying for  
7 annulment."

8 SECTION 8. Section 580-22, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "§580-22 Nonage. An action to annul a marriage on the  
11 ground that one of the parties was under legal age, may be  
12 brought by the parent or guardian entitled to the custody of the  
13 minor, or by any person admitted by the court to prosecute as  
14 the friend of the minor. In no case shall the marriage be  
15 annulled on the application of a party who was of legal age at  
16 the time it was contracted; nor when it appears that the  
17 parties, after they attained the legal age, had for any time  
18 freely cohabited as [~~man and wife.~~] a married couple."

19 SECTION 9. Section 580-23, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           "§580-23 Former [~~husband or wife~~] spouse living. A  
2 marriage may be declared null on the ground that one of the  
3 parties has an undivorced [~~husband or wife~~] spouse living, on  
4 the application of either of the parties during the lifetime of  
5 the other, or on the application of the former [~~husband or~~  
6 ~~wife.~~] spouse."

7           SECTION 10. Section 580-24, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           "§580-24 Allowance for spouse and family. Every person  
10 who is deceived into contracting an illegal marriage with a [~~man~~  
11 ~~or woman~~] person having another spouse living, under the belief  
12 that [~~he or she~~] the person was unmarried, may be entitled to a  
13 just allowance for the support of the deceived spouse and family  
14 out of the property of the deceiving spouse, which the deceived  
15 spouse may obtain at any time after action commenced upon  
16 application to the family court having jurisdiction. In  
17 addition to the allowance, the court may also compel the  
18 defendant to advance reasonable amounts for the compensation of  
19 witnesses and other reasonable expenses of trial to be incurred  
20 by the plaintiff."



1 SECTION 11. Section 580-26, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§580-26 Lack of mental capacity. The marriage of a  
4 person who lacked the mental capacity to consent to the marriage  
5 may be annulled on the application of either party, or on the  
6 application of a guardian of the party who lacked [~~such~~]  
7 capacity; [~~but in such case,~~] provided that no sentence of  
8 nullity shall be pronounced if it appears that the parties  
9 freely cohabited as [~~husband and wife~~] a married couple after  
10 the party who lacked [~~such~~] mental capacity attained the mental  
11 capacity necessary to consent to marriage."

12 SECTION 12. Section 580-47, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) Upon granting a divorce, or thereafter if, in  
15 addition to the powers granted in subsections (c) and (d),  
16 jurisdiction of those matters is reserved under the decree by  
17 agreement of both parties or by order of court after finding  
18 that good cause exists, the court may make any further orders as  
19 shall appear just and equitable (1) compelling the parties or  
20 either of them to provide for the support, maintenance, and  
21 education of the children of the parties; (2) compelling either



1 party to provide for the support and maintenance of the other  
2 party; (3) finally dividing and distributing the estate of the  
3 parties, real, personal, or mixed, whether community, joint, or  
4 separate; and (4) allocating, as between the parties, the  
5 responsibility for the payment of the debts of the parties  
6 whether community, joint, or separate, and the attorney's fees,  
7 costs, and expenses incurred by each party by reason of the  
8 divorce. In making these further orders, the court shall take  
9 into consideration: the respective merits of the parties, the  
10 relative abilities of the parties, the condition in which each  
11 party will be left by the divorce, the burdens imposed upon  
12 either party for the benefit of the children of the parties, the  
13 concealment of or failure to disclose income or an asset, or  
14 violation of a restraining order issued under section 580-10(a)  
15 or (b), if any, by either party, and all other circumstances of  
16 the case. In establishing the amounts of child support, the  
17 court 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 for the support,  
20 maintenance, and education of an incompetent adult child whether  
21 or not the petition is made before or after the child has



1 attained the age of majority. In those cases where child  
2 support payments are to continue due to the adult child's  
3 pursuance of education, the agency, three months [~~prior to~~  
4 before the adult child's nineteenth birthday, shall send notice  
5 by regular mail to the adult child and the custodial parent that  
6 prospective child support will be suspended unless proof is  
7 provided by the custodial parent or adult child to the child  
8 support enforcement agency, [~~prior to~~] before the child's  
9 nineteenth birthday, that the child is presently enrolled as a  
10 full-time student in school or has been accepted into and plans  
11 to attend as a full-time student for the next semester a post-  
12 high school university, college, or vocational school. If the  
13 custodial parent or adult child fails to do so, prospective  
14 child support payments may be automatically suspended by the  
15 child support enforcement agency, hearings officer, or court  
16 upon the child reaching the age of nineteen years. In addition,  
17 if applicable, the agency, hearings officer, or court may issue  
18 an order terminating existing assignments against the  
19 responsible parent's income and income assignment orders.



1 In addition to any other relevant factors considered, the  
2 court, in ordering spousal support and maintenance, shall  
3 consider the following factors:

- 4 (1) Financial resources of the parties;
- 5 (2) Ability of the party seeking support and maintenance  
6 to meet [~~his or her~~] the party's needs independently;
- 7 (3) Duration of the marriage;
- 8 (4) Standard of living established during the marriage;
- 9 (5) Age of the parties;
- 10 (6) Physical and emotional condition of the parties;
- 11 (7) Usual occupation of the parties during the marriage;
- 12 (8) Vocational skills and employability of the party  
13 seeking support and maintenance;
- 14 (9) Needs of the parties;
- 15 (10) Custodial and child support responsibilities;
- 16 (11) Ability of the party from whom support and maintenance  
17 is sought to meet [~~his or her~~] the party's own needs  
18 while meeting the needs of the party seeking support  
19 and maintenance;
- 20 (12) Other factors [~~which~~] that measure the financial  
21 condition in which the parties will be left as the



1 result of the action under which the determination of  
2 maintenance is made; and

3 (13) Probable duration of the need of the party seeking  
4 support and maintenance.

5 The court may order support and maintenance to a party for  
6 an indefinite period or until further order of the court;  
7 provided that in the event the court determines that support and  
8 maintenance shall be ordered for a specific duration wholly or  
9 partly based on competent evidence as to the amount of time  
10 [~~which~~] that will be required for the party seeking support and  
11 maintenance to secure adequate training, education, skills, or  
12 other qualifications necessary to qualify for appropriate  
13 employment, whether intended to qualify the party for a new  
14 occupation, update or expand existing qualification, or  
15 otherwise enable or enhance the employability of the party, the  
16 court shall order support and maintenance for a period  
17 sufficient to allow completion of the training, education,  
18 skills, or other activity, and shall allow, in addition,  
19 sufficient time for the party to secure appropriate employment."

20 SECTION 13. Section 580-56, Hawaii Revised Statutes, is  
21 amended by amending subsections (b) and (c) to read as follows:



1           "(b) Following the entry of a decree of divorce in any  
2 matrimonial action in which the final division of the property  
3 of the parties to [~~such~~] the action is reserved for further  
4 hearings, decisions, and orders, notwithstanding the provisions  
5 of section 560:2-802, or any other provisions of the law to the  
6 contrary, each party to [~~such~~] the action shall continue to have  
7 all of the rights to and interests in the property of the other  
8 party to [~~such~~] the action as provided by chapter 533 and  
9 chapter 560, or as otherwise provided by law, to the same extent  
10 [~~he or she~~] the party would have had [~~such~~] the rights or  
11 interests if the decree of divorce had not been entered, until  
12 the entry of a decree or order finally dividing the property of  
13 the parties to [~~such~~] the matrimonial action, or as provided in  
14 subsection (d) [~~of this section~~].

15           (c) When a party to a matrimonial action has remarried  
16 following the entry of a decree of divorce, in which the final  
17 division of the property of the parties is reserved for further  
18 hearings, decisions, and orders, but [~~prior to~~] before the entry  
19 of a decree or order finally dividing the property owned by the  
20 parties to that action, notwithstanding the provisions of  
21 chapter 533 and chapter 560, the spouse of [~~such~~] the remarried



1 party shall have none of the rights or interests in the former  
2 spouse's real property or personal estate as provided in chapter  
3 533 and chapter 560, or as otherwise provided by law, until  
4 [~~such~~] the time as a decree or order finally dividing the  
5 property owned by the parties or either of them as of the  
6 effective date of the entry of the decree of divorce dissolving  
7 [~~his or her~~] the party's prior marriage shall be entered. Upon  
8 the entry of a decree or order finally dividing the property of  
9 the parties to a matrimonial action in which a decree of divorce  
10 has been entered, the spouse of a party to [~~such~~] the action who  
11 has remarried shall have all of the rights of a spouse as  
12 provided by chapter 533 and chapter 560, or as otherwise  
13 provided by law, in and to the property of the former spouse  
14 vested in [~~such~~] the spouse by [~~such~~] the decree or order  
15 finally dividing the property of the parties or either of them,  
16 as of the effective date of the entry of the decree of  
17 dissolution of the prior marriage."

18 SECTION 14. Section 587A-4, Hawaii Revised Statutes, is  
19 amended by amending the definition of "family" to read as  
20 follows:



1           ""Family" means each legal parent of a child; the [~~birth~~  
2 ~~mother,~~] birthing parent, unless the child has been legally  
3 adopted; the concerned [~~birth father~~] non-birthing parent as  
4 provided in section 578-2(a)(5), unless the child has been  
5 legally adopted; each parent's spouse or former spouse; each  
6 sibling or person related by blood or marriage; each person  
7 residing in the dwelling unit; and any other person or legal  
8 entity with:

- 9           (1) Legal or physical custody or guardianship of the  
10           child, or  
11           (2) Responsibility for the child's care.

12 For purposes of this chapter, the term "family" does not apply  
13 to an authorized agency that assumes the foregoing legal status  
14 or relationship with a child."

15           SECTION 15. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17           SECTION 16. This Act shall take effect on March 22, 2075.



**Report Title:**

Gender-Neutral Terminology; Statutory Interpretation; Parents;  
Spouses; Adoption; Divorce

**Description:**

Replaces gender-specific terminology used in adoption and  
divorce matters with gender-neutral terminology. Takes effect  
03/22/2075. (SD1)

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

