



The Judiciary, State of Hawai'i

**Testimony to the Thirty-Second State Legislature
2023 Regular Session**

House Committee on Finance
Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair

Wednesday, March 1, 2023 at 10:00 a.m.
State Capitol
Conference Room 308 & Via Videoconference

by:

Jessi L.K. Hall
Judge, District Family Court
Family Court of the First Circuit

Bill No. and Title: House Bill No. 384, H.D. 1, Relating to Parentage.

Purpose: Enacts portions of the Uniform Parentage Act of 2017 to replace the Uniform Parentage Act of 1973. Effective 6/30/3000. (HD1)

Judiciary's Position:

The Judiciary strongly supports House Bill No. 384, H.D. 1, which repeals the existing Uniform Parentage Act (UPA), codified in Hawai'i Revised Statutes (HRS) Chapter 584, and replaces it with portions of the Uniform Parentage Act of 2017. This bill will ensure the equal treatment of all keiki from both heterosexual and same-sex couples. It also allows for the establishment of a *de facto* parent as a legal parent, which is permitted under existing case law and embraced by our community's culture.

In 2002, a draft UPA was created by the Uniform Laws Committee, but Hawai'i did not adopt the 2002 version. Hawai'i has made some amendments over the years to HRS Chapter



584, including the addition of an “expedited process of paternity” in 1996. In general, however, the statute has not kept up with the changes in the make-up of our families.

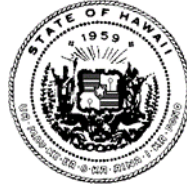
In 2021, Act 201 created a task force to examine Hawai‘i’s current parentage laws, which narrowly confine concepts of family, parenthood, and parental rights to heterosexual unions. The task force was given the responsibility of recommending statutory changes to encompass the general culture’s growing understanding of the diverse nature of these concepts. The task force was made up of the Department of Health (DOH), the Department of the Attorney General, Child Support Enforcement Agency (CSEA), a Family Court judge, a family law attorney, a representative of AF3IRM Hawaii, a representative of the DOH's sexual and gender minority working group, a representative of Ka Aha Mahu, and any other member as recommended by the task force. The task force commenced its work on August 27, 2021. The pandemic, time constraints, and unforeseen circumstances prevented the task from completing its task of reaching a full agreement on draft legislation.

Although the Judiciary believes that § -606(c) of HD1 (“Adjudicating competing claims of parentage” at page 48, lines 1 to 11) would be beneficial, we understand that at this time it would be difficult for DOH and CSEA to implement. The Judiciary would not be opposed to § -606(c) being removed at this time to allow us to work with DOH and CSEA on solutions prior to including this section in the future.

There have been many changes to society and the law that make many of the provisions in HRS Chapter 584 obsolete or completely lacking. The language of this bill seeks to ensure the equal treatment of keiki born to all parents so that no keiki are needlessly stigmatized and left without the protections and rights that they deserve. The Judiciary strongly supports this measure.

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

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 28, 2023

TO: The Honorable Representative Kyle T. Yamashita, Chair
House Committee on Finance

FROM: Cathy Betts, Director

SUBJECT: [HB 384 HD1](#) - RELATING TO PARENTAGE.

Hearing: March 1, 2023, 11:30 a.m.
Conference Room 308 & Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports the intent of this Judiciary measure. However, DHS respectfully requests an extended effective date to give the Child Welfare Services Branch time to implement new procedures and training. DHS defers to the Judiciary and the Department of the Attorney General.

PURPOSE: The measure enacts portions of the Uniform Parentage Act of 2017 to replace the Uniform Parentage Act of 1973. Effective 6/30/3000. (HD1)

The HD1 amended the measure by:

- (1) Clarifying when and where an action to determine the existence or nonexistence of a parent-child relationship may be brought;
- (2) Establishing requirements for making persons parties to an action, providing representation for minor parties in actions, providing notice to parties, and the payment of fees for child support enforcement agency's services;
- (3) Clarifying when a court has continuing jurisdiction to modify or revoke a judgment or order;
- (4) Clarifying the timing for commencing a proceeding to determine whether an alleged genetic parent or presumed parent is a parent of a child;
- (5) Establishing requirements for the admissibility of genetic tests as evidence;

- (6) Requiring the court to order further genetic testing when the original test is contested, to be advanced and paid for by the contesting party;
- (7) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

DHS appreciates the Judiciary's proposal to update Hawaii's parentage law to address modern family structures. The Child Welfare Services Branch (CWS) provides various prevention and intervention services to reduce or address the impact of child abuse and neglect. Once the measure becomes law, CWS will need time to revise its procedures and provide updated training for its staff. DHS respectfully requests an extended effective date to implement these proposed changes.

Thank you for the opportunity to provide comments on this measure.

HB-384-HD-1

Submitted on: 2/28/2023 8:43:09 AM

Testimony for FIN on 3/1/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kent	Commission to Promote Uniform Laws	Support	Written Testimony Only

Comments:

Aloha,

Thank you for the opportunity to submit testimony on behalf of the Commission to Promote Uniform Legislation in strong **support** of HB 384, HD 1. This act would provide Hawaii with updated procedures for determining the parentage of a child.

This uniform act was developed by the Uniform Law Commission with input from judges, law professors and family law practitioners. The Uniform Parentage Act (2017) has been endorsed by the National Center for Lesbian Rights, Lambda Legal, the American Civil Liberties Union, and the National Child Support Enforcement Association, among other organizations. To date, this Act has been enacted in California, Colorado, Connecticut, Maine, Rhode Island, Vermont, and Washington. These are some of the reasons I support this bill:

- **Enactment will provide clarity for and reduce unnecessary litigation regarding children born to same-sex couples.** This Act does not use gendered terms and does not presume that couples consist of one man and one woman. As a result, the provisions of the Act provide clear guidance about its application to children born to same-sex couples.
- **This Act cures potential constitutional infirmity in existing state law.** In *Obergefell*, the United States Supreme Court held that laws barring marriage between two people of the same sex are unconstitutional. In *Pavan v. Smith* (2017), the Court reaffirmed that conclusion applies to rules regarding children born to same-sex spouses. After these decisions, state parentage laws that treat same-sex couples differently than different-sex couples are likely unconstitutional. By adopting This Act, Hawaii can better uphold constitutional protections.
- **This Act clarifies and codifies state law related to de facto parentage.** Most states extend at least some parental rights to people who, while not biological parents, have functioned as parents with the consent of the child’s legal parent. States recognize such people under a variety of equitable doctrines or extend rights to such people through broad third-party custody and visitation statutes. This Act codifies the recognition of de facto parents in a uniform statutory scheme. This is consistent with the current trend and is consistent with a core purpose of the Uniform Parentage Act, which is to protect established parent-child relationships. At the same time, however, the Act erects safeguards to ensure that these provisions do not result in unwarranted or unjustified litigation.

- **This Act complies with federal laws tied to subsidies and financial incentives for states.** A state's receipt of federal subsidies for its child-support enforcement program is contingent on compliance with Title IV-D requirements. The federal Office of Child Support and Enforcement (OCSE) worked with the UPA (2017) Drafting Committee to ensure that the updates in UPA (2017) comply with all federal requirements. UPA (2017) also adds a new provision that precludes the establishment of a parent-child relationship by the perpetrator of a sexual assault that resulted in the conception of the child. This provision complies with a law that the U.S. Congress adopted in 2015 – the Rape Survivor Child Custody Act. This federal statute provides financial incentives for states enacting provisions such as the one provided for in UPA (2017).

This bill will help ensure that all children and all parents have equal rights with respect to each other. I urge you to pass this bill.

Elizabeth Kent



February 28, 2023

Representative Kyle Yamashita, Chair
House Committee on Finance

Re: H.B. 384, H.D. 1, Relating to Parentage

Hearing: Wednesday, March 01, 2023, 10:00 a.m., Room 308

Dear Chair Yamashita and Members of the Committee on Finance:

Hawaii Women Lawyers (“HWL”) submits **comments** regarding H.B.384, H.D. 1, which proposes to update Hawaii law on parentage, by replacing the Uniform Parentage Act of 1973 with appropriate portions of the Uniform Parentage Act of 2017.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

We support the intent of proposal to update the Uniform Parentage Act of 1973, which was originally created in response to establish a legal framework for establishing parent-child relationships. Since that time, there have been many changes in society, law and medical technology, which has given rise to the need to update statutes. We support updating Hawaii’s parentage law, to provide a more certain path and inclusion under the law for same sex couples, single parents, and children born through assisted reproductive technology. We also appreciate that this law provides long-needed clarity in Hawaii’s parentage act to 1) eliminate outdated gender terms, 2) provide a clear path to establishing voluntary, expedited and de facto parentage, and 3) protect parent-child relationships of all types. In the wake of recent national trends, it is more important than ever that the Legislature take steps to protect all families in Hawaii and to recognize the diversity of ohana in our community.

It is our understanding, however, that this measure does not include provisions from the Uniform Parentage Act of 2017 relating to genetic surrogacy. While the bill does provide a voluntary expedited process for parentage, the primary difference between the voluntary expedited process and a judicially recognized surrogacy process is that voluntary parentage occurs *after* birth, while a judicial surrogacy process occurs *before* the birth of the child. We would encourage the committee to review surrogacy laws of other states and consider the importance of providing certainty for parents who chose to establish parentage via surrogacy prior to the birth of their child by being able to obtain a pre-birth order governing the rights of intended parents and surrogates. For intended parents who use

surrogates, the ability to be able to establish parentage before the birth of the child has become significantly more important as the use of surrogacy has increased in recent years. We would respectfully ask that this measure be reviewed to consider whether a judicial procedure to recognize surrogacy should be included in this measure.

Finally, we would suggest that the better approach may be to defer this to the interim so that stakeholders can convene to continue to refine this proposal. This is proposed in SB 944, which is still moving and continues the work of the original task force from 2021.

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

HB-384-HD-1

Submitted on: 2/27/2023 3:47:13 PM

Testimony for FIN on 3/1/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Doreen Akamine	Individual	Comments	Written Testimony Only

Comments:

I would like to submit this written testimony as a comment for consideration. I have been an RN in the State of Hawaii for over 47 years and have been directly involved with thousands of patients. Those who do not have any family medical history are at a disadvantage and at risk when specific treatments are required, e.g. anesthesia, allergies, reactions to products, chemotherapy, etc. In addition, preventively, those without family medical information are not able to anticipate potential health conditions such as cancer, diabetes, heart problems, kidney failure, high risk pregnancy conditions, immunocompromised issues, and many, many more genetically-related issues that can be mitigated early when a person is aware of their family medical history. I urge you to strongly consider this during your discussion of this bill and how the health and well being of the child will be affected for their entire life if they do not have access to their family medical history.

Respectfully,

Doreen Akamine, RN, MPH

February 28, 2023

Rep. Kyle Yamashita, Chair
Rep. Lisa Kitagawa, Vice Chair

Re: HB 384, HD1 Relating to Parentage
Opposition - Parts 3 & 4

I find myself at an awkward intersection in opposing parts of this bill, having been an advocate on social justice issues such as marriage equality and access to sealed adoption records for adoptees, adoptive parents, and genetic parents.

While this measure seeks to offer equality in marriage and parentage to persons denied such by previous discriminatory laws, it does so at the expense of their children who will be denied genetic and medical information. This proposed law will allow non-genetic parents to be listed in place of a genetic parent on their child's hospital birth record and subsequent birth certificate issued by the Department of Health. There will be no official record of the genetic parents that can be accessed by the child who will need genetic and medical history at some point in their life. This oversight is an unfortunate repeat of failed state policies used in closed adoptions.

As a person who was born and raised in a closed adoption system, I have experienced the adverse emotional and health impacts of lacking genetic and medical information. My genetic parent's identity was hidden from my adoptive parents and me in sealed adoption records. The laws of the last mid-century that created sealed adoption records were informed before we understood the importance of genetics on human development. There is myriad research since then about adoption and genetics that has informed openness in adoptions, and the subsequent opening of sealed adoption records, including in Hawaii in 2016.

It is also important to note that the children being created for non-genetic parents are not accidents, they are knowingly created through assistive reproductive technology and/or surrogacy, wherein genetic and medical information could be collected if state law required it. Chapter 578, HRS, specifically section 578-14.5, requires the Department of Health to collect medical information on the genetic parents of an adopted child. Given this is existing state law, this committee should consider a similar provision for this proposed law on parentage. The committee should also consult the State of Washington's parentage act, Chapter 26.26A, RCW, sections 800-825, which require the collection and sharing of genetic and medical information with children born through these methods.

Finally, various national organizations such as the U.S. Census, National Association for Public Health Statistics and Information Systems, and National Center for Health Statistics, monitor facts at birth from state vital records for purposes other than parentage. These organizations should be consulted before Hawaii substitutes non-genetic parents' information on an original birth record intended to report genetic parent information.

Mahalo nui for your consideration of my testimony.

Laurel Johnston

Aloha Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee on Finance

HB 384 attempts to modernize the generation of documents for the identification of personhood and legal parentage. The current procedure is more suited for customary ways of making a baby and for married heterosexual couples. **The current procedure for “certificate of live birth” hasn’t changed to be able to record information of the person’s accurate origins from assisted reproductive technology** (such as sperm or egg donation, surrogacy) nor do the current fields on certificates of live birth match well to current diverse family configurations.

The government has been the keeper of formal documentation of personhood. The **“certificate of live birth”** implies by the time and place of birth that it is **documenting the historical facts of the person’s birth**. The document says **it cannot be changed under penalty of law**.

However, **the proposed bill skips over creating a certificate of live birth that reflects what is known about the new human being’s biological and genetic origins and the State would create a “certificate of live birth” with the new parentage information without a trace of the child’s biological/ genetic, historical facts of birth origins.**

Key considerations about this complex issue follow that explain my opposition to HB 384 HD1.

1. **Children have a right and need to know their origins, from whom they were created.** Based on the experience of donor-conceived persons and from adoptees who were raised and denied knowing their genetic and biological connections, plenty of evidence indicates that persons have a need to know this fundamental information about themselves.

Experience and research have documented consequences for persons not knowing their biological family origins and identities. By not ensuring that persons will have access to their origin information even as adults, this proposed legislation repeats known barriers and mistakes that have had harmful consequences for adopted persons. The lack of information about their genetic origins leaves the donor-conceived person with a void about their ethnicity, family lineage, family traits and medical history.

2. **Lack of medical history is a clear disadvantage.** The self-reported medical history that may accompany a gamete is a snapshot in time of a young donor, that is not verified by medical or mental health records, and is not a substitute for an ongoing medical history as the donor ages or is more aware of the health history of the family. In a previous hearing on this bill, another testifier said it was more information than available from a one-night stand. Wouldn’t it be expected that the State’s public policy meet a higher standard than that?

3. **Children and their families must have a way to access this identifying origin information at the latest when the donor-conceived person is age 18 or before age 18 for**

- a) medical need,
- b) to prove Hawaiian ancestry for eligibility for Hawaiian birth rights such as Kamehameha Schools, or
- c) if the donor and receiving family are in mutual agreement.

4. **Transparency about one's origins and ancestry is a noteworthy feature of the Hawaiian cultural practice of hanai.** When I interviewed adults who had been raised hanai for my dissertation, almost all knew from early on who their biological parents were. As children they identified two people as their mothers and mother for each could have a different meaning. Having lived with this origin information out in the open, they were comfortable about their identity and family connections.

In closed adoptions and other circumstances when people, agencies or government kept secrets or prohibited access to information about who their parents were, the secrecy and not knowing information fundamental to themselves were sources of tension.

What is the rationale for the State to not record the truth for donor-conceived children?

5. **One obstacle to achieve truth and transparency for children about their origins is the current practice of assisted reproduction often using anonymous gametes.**

6. **This proposed bill may meet the needs of parents but repeats past patterns of mistakes that can harm children.**

7. **It is possible to meet the needs of parents AND preserve the child's truthful information.**

8. **POSSIBLE OPTIONS to meet the needs of parents to establish parentage AND preserve children's origins should be explored and are briefly described here.**

A. Record and preserve facts of birth

Option: Record known facts on "**certificate of live birth.**" *Although additional fields would be necessary to reflect current family configurations or genetic origins from assisted reproduction.*

Option: **Revise template of "certificate of live birth" with**

a) fields to record biological, genetic, and gestational parents

b) additional fields compatible for parents of diverse families

Truthful and transparent with child's history and current legal parents

May be too much information for some to share with school, sports, etc.

Original could be sealed; an amended one with just legal parents used for school, ID, etc.

Option: Create a "certificate of live birth" with only the legal parents listed as HB 384 proposes without recording some facts of biological or genetic origins of the birth.

Not recommended because it does not preserve needed biological or genetic origins information for the child's well-being and HB 384 doesn't allow the donor-conceived person access to information that established parentage.

B. Child's document of identification and parentage

Option: Create an **accurate "certificate of live birth"** and then an **amended "certificate of live birth"** listing the legal parents

*Having an original that is sealed and an amended birth certificate would be **similar to adoption procedure** used for decades.*

Option: A “certificate of live birth” should not be changed once the basic facts of birth (a one-time event) are recorded.

I once saw a “certificate of live birth” of a child that listed a father, no mother, and the child and father were of different races. Would a **document of identification and parentage** make more sense than a “certificate of live birth”?

Option: Create a new **document of identification and parentage** with child’s name, date of birth, place of birth, gender, etc. and with legal parents listed. This document provides identification and age for school and sports, etc.

Option: All births would generate two documents – 1) a “**certificate of live birth**” (with facts of birth *that do not change* and with new fields to reflect current reproductive technology) and 2) a **document of identification and parentage** that reflects contemporary families.

How can donor-conceived children in Hawaii have their fundamental genetic origin information documented, preserved and released to them?

What are possible ways to strengthen protections for donor-conceived children? Since gametes used for assisted reproduction are often from anonymous donors, some changes are needed.

Option: Require that all gametes used in Hawaii would come from donors who are willing to have their identifying information disclosed to their child.

Option: Require that this identifying information be documented, securely preserved and then released to the donor-conceived person upon request.

Determine how the gamete bank would be required to provide this information? Would the clinic or doctor, or the State preserve this info? Or would the information be given directly to the donor-conceived child’s family when they acquire the gametes?

This complex issue deserves more consideration to meet needs of parents AND children. The current bill does not regard the needs for children to have basic information about their origins. For this reason, I oppose HB384 HD1.

I support SB 944 that proposes a task force for exploring this issue if amended to include donor-conceived persons and advocates for the child’s perspective and needs on the task force.

Thank you very much for the opportunity to share my views.

Some **organizations for the donor-conceived** and **other resources** follow on the **next page**.

Respectfully,
Kat McGlone

Organizations that support the donor-conceived

Donor Sibling Registry

“Educating, Connecting & Supporting Donor Families” *DSR's core value is honesty, with the conviction that people have the fundamental right to information about their biological origins and identities.*

<https://donorsiblingregistry.com/>

We are donor conceived

“resource center for donor conceived people.” “We all deserve the truth.”

<https://www.wearedonorconceived.com/>

U. S. Donor Conceived Council

“strives to increase awareness of the needs, interests, and challenges of donor conceived people and advance change that promotes and protects their health, welfare, and human rights.”

<https://www.usdcc.org/>

donor conceived community

“peer support, education, resources for people navigating donor conception & dna discoveries.”

<https://donorconceivedcommunity.org/about>

Other resources:

Session by donor-conceived and surrogate-born at the United Nations on 30th anniversary of the Convention on the Rights of the Child. (2019).

https://www.youtube.com/playlist?list=PL3PTiHF4egBG2KaSTYLDZUpIY_f1-BYy2

Concise, powerful testimony that highlight the issues for those who are donor-conceived

Samuels, Elizabeth. (2018). An Immodest Proposal for Birth Registration in Donor-Assisted Reproduction, In the Interest of Science and Human Rights.

https://scholarworks.law.ubalt.edu/fac_articles/5

Cahn, Naomi. (2014). "Do Tell! The Rights of Donor-Conceived Offspring," *Hofstra Law Review*: Vol. 42 : Iss. 4 , Article 3. <https://scholarlycommons.law.hofstra.edu/hlr/vol42/iss4/3>

Cahn, N. (2011). Old Lessons for a New World: Applying Adoption Research & Experience to ART.

https://www.researchgate.net/publication/228139419_Old_Lessons_for_a_New_World_Applying_Adoption_Research_and_Experience_to_Art

United Nations. (1990). **Convention on the rights of the child.**

<https://www.ohchr.org/EN/professionalinterest/pages/crc.aspx>

Article 8 - States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

HB-384-HD-1

Submitted on: 2/28/2023 12:11:16 PM

Testimony for FIN on 3/1/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Mark Shapiro	Individual	Oppose	Written Testimony Only

Comments:

My name is Mark Shapiro and I'm a resident of Maui. I oppose HB No 2747 as written.

As early as I can remember, as a child, I felt something was deeply wrong. I turned inward as a teenager and embarked on a journey to find myself.

I studied dozens of models, methodologies, philosophies, spiritualities, etc. to try to get to the bottom of what was missing. I learned a great deal about myself, people, and reality and it's a journey I wouldn't trade for anything. However, I learned at age 47 that it could have been far easier.

Of the many things I learned about myself along the way, I had a pattern of being drawn to male authority figures who would ultimately disappoint and often betray me. It happened so often that it was clear I was the common denominator. I knew I grew up with an emotionally distant father, but somehow the father issues I worked didn't unravel the issue.

When a friend in late 2020 suggested I do 23 and Me, I was curious about genetic predispositions I had for disease as I was getting older. I was shocked to discover eight relatives I'd never heard of, one of whom reached out to me and told me our biological father was a sperm donor. He sent me a picture of that man that easily could have been a younger picture of myself.

I had little doubt, but pressed my parents the next day and they confessed that they'd kept this secret for 47 years and planned to take it to their graves. I barely slept for about ten days. It was like my entire memory, my entire being was reorganizing, updating with this new information.

It explained so much: those awkward moments I felt as a child when asking my social father how tall he was to understand how tall I would be, dinner table conversations about whether I would inherit his poor eyesight, and all the times I kind of stared at him because something just seemed strange in a way I couldn't place.

Something in me knew all along he wasn't my father. Children sense and feel things adults cannot, and when we tell them they're imagining things it makes it worse.. It wounds us. It causes us to not trust people and reality. It makes the world unsafe.

When that information is about where we came from and who our parents are, it's my direct experience that it creates existential level wounding that is nearly impossible to outwork without having the true information. As a therapist and coach, this is my area of expertise and professional opinion.

It's just a matter of time before the impact of genetic secrecy in families becomes a mainstream understanding. It wasn't that long ago that homosexuality was considered a disease or that heroin was a healthy alternative to morphine. The fertility industry and laws related to it are unregulated and primitive.

We have a right to know where we come from. The genetic predispositions to disease alone are an open and shut case for this. Both of my social father's brothers died of Alzheimers, but it turns out I don't have to worry about that. I did discover, however, that have a genetic predisposition to blood clots. I also discovered that my biological father's passion was blending psychology and spirituality, fascinatingly a trait I inherited not seen anywhere in my social family.

It's not okay that this information was kept from me only because my parents were too uncomfortable to share the truth, and that no laws required that truth to be available to me. All of this will change as more and more people get genetic testing. It's just a matter of time at this point. Which states lead the change and which trail behind, struggling to embrace evolution?

HB 384 allows donors to withhold their identity from the child forever. This idea stems from a flawed paradigm that says that nurture is more important than nature—that we can literally play God and move genetic material around without significant consequences that are too subtle for most people to notice.

To those who subscribe to this misguided paradigm, I say this: speak to a hundred donor-conceived children like me, who found out the truth by accident as an adult, many of whom were unable to ever find anything out about their true parent, and see if it still seems the same to you.

When I found out about my biological father, he had been dead for fifteen years. I had the fortune to know about him, but never knew him. I hold, as many people in my situation do, that it was my birthright to know who he was.

HB-384-HD-1

Submitted on: 2/28/2023 12:31:41 PM

Testimony for FIN on 3/1/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
J. Takane	Individual	Oppose	Written Testimony Only

Comments:

With regards to HB384 HD1, as an adopted person who was denied access to my own heritage, genealogy, genetic health information and knowledge of where I came from, I oppose any bill that denies this to donor conceived children.

How donor conceived children's parentage is portrayed or not discussed at all concerns me. Once again our potential laws are trying to deny the truth regarding where these babies come from and in doing so, deny those children much needed information regarding themselves.

Allowing the ones who will be parenting the child to be able to voluntarily designate who should be on the child's birth certificate will enable these individuals to potentially wipe from existence this critical knowledge their children will want and need. The law must stand for those who have no voice, to ensure that their truth of their biological existence can never be denied or forgotten. If the parents themselves can't be truthful (that their child was conceived from donor sperm or egg) from the beginning, the law must ensure that the children have access to this knowledge that directly affects their lives and well being.

There can be a distinct difference between genetic biology and being the one that actually parents the child. The birth certificate should only speak to biological makeup of the child, hence the term "live birth". If the donor isn't known, then just designate it as donor sperm or egg and reference the private clinic where specimen was obtained with corresponding donor number. But to put the names of the ones that will actually parent child but are not biologically related is to perpetuate a lie on a legal document that child will carry as proof of their existence and citizenship for the rest of their lives. Perhaps there should be a certificate of parenting that can be used as and considered as legal as a certificate of live birth for registering for school, etc. If there is such concern regarding how this looks, then perhaps everyone should have a certificate of parenting. The fact of this matter is, our society has been undergoing lots of societal changes that our legal documents have not caught up to but to whitewash the truth so that the adults don't have to deal with it is not the way to go.

I hope we can learn from the past in order to better shape the future of our children by using truth and transparency to help guide their way so they can live their lives free of the lies that have harmed so many others before them.

HB-384-HD-1

Submitted on: 2/28/2023 3:10:40 PM

Testimony for FIN on 3/1/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Erin Iwalani Castillo	Individual	Oppose	Written Testimony Only

Comments:

I believe the groundwork is not laid for this bill to go forward.

Thank you