



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-SECOND LEGISLATURE, 2023**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 109, RELATING TO GENDER-NEUTRAL TERMINOLOGY.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Thursday, February 9, 2023      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Kaena N. Keao, Deputy Attorney General

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General appreciates the intent of this bill and has the following comments.

The purpose of this bill is to replace current gender-specific terminology with gender-neutral terminology in matters of adoption and divorce by amending sections 321-342, 571-61, 578-1, 578-2, 578-14.5, 578-15, 580-21, 580-22, 580-23, 580-24, 580-26, 580-47, 580-56, and 587A-4 of Hawaii Revised Statutes (HRS).

We note that several of the replaced terms may result in confusion and inconsistent application of the law in some circumstances.

The bill amends sections 571-61, 578-1, 578-2, and 578-14.5, HRS to change "mother" to "birthing parent" or "natural parent" and "father" to either "parent" or "natural parent." See page 2, line 4, *et seq.* In each section, the use of the terms "mother" and "father" is intentional and the change might create confusion or alter the meaning in a way that digresses from the intention of the original statute. For example, section 578-2(a), states in part at page 10, line 19, to page 11, line 6:

a petition to adopt a child may be granted only if written consent to the proposed adoption has been executed by:

- (1) The [~~mother~~] birthing parent of the child;
- (2) A legal [~~father~~] parent [~~as~~] to whom the child is a legitimate child;

- (3) An adjudicated [~~father~~] parent whose relationship to the child has been determined by a court;
- (4) A presumed [~~father~~] natural parent under [~~section 578-2(d);~~] subsection (d);

By changing the word from "father" to "parent," in paragraphs (2) and (4) these provisions can be misconstrued as either mother or father when the original intent was to apply only to a child's legal father.

In order to clarify which individual is being identified, we suggest revising all references to mother as "birthing parent" and father as "non-birthing parent."

We also note that on page 5, lines 4 and 5, and page 15, lines 8 and 11, the wording changes from "stepfather" to "stepparent." The differentiation between stepfather and stepmother is necessary in these instances, as the referenced statutes specifically refer to a relationship between a stepfather and a birthing parent. Therefore, in order to maintain the intent of the original statutes, we suggest changing the reference to "stepfather" to "birthing parent's spouse."

Finally, we note on page 24, line 17, the bill did not incorporate a gender-neutral term to replace "uncle and niece, aunt and nephew" in the context of marriage annulment on the grounds of consanguinity. We suggest replacing this phrase with "a person and the person's biological parent's sibling" to maintain consistency with the bill and the original intent of 580-21 HRS.

The Department is happy to work with the Legislature to amend the bill to best effectuate its intent.

Thank you for the opportunity to testify.

**SB-109**

Submitted on: 2/3/2023 6:24:07 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawaii	Support	Remotely Via Zoom

Comments:

Aloha Senators,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports SB 109.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair and SCC Representative  
Stonewall Caucus for the DPH

**SB-109**

Submitted on: 2/4/2023 8:27:09 AM

Testimony for JDC on 2/9/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mike Golojuch, Sr.	Testifying for Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports SB109. Please pass the bill.

Mike Golojuch, Sr., Secretary/Board Member

**SB-109**

Submitted on: 2/3/2023 8:39:40 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dara Yatsushiro	Individual	Oppose	Written Testimony Only

Comments:

Divorce matters are complicated enough as it is; please don't add further confusion and complication with gender-neutral language.

Am also aware of a current lawsuit where the boy was referred to as a girl on paper despite the parent's correction and insistence that the son be referred to as a boy. The insinuation of calling a boy a girl still leads to insult and apparently lawsuit as well - don't think we need to involve ourselves in any of that.

**SB-109**

Submitted on: 2/4/2023 9:05:09 AM

Testimony for JDC on 2/9/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor K. Ramos	Individual	Oppose	Written Testimony Only

Comments:

OPPOSE: This bill seem to be more about cultura politics than about concise communication.

**SB-109**

Submitted on: 2/4/2023 12:48:35 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

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

Comments:

Aloha Chair, Vice Chair and esteemed members of the Committee,

I am testifying in strong support for SB109, to adopt gender neutral terminology for adoption and divorce matters, as well as the definition used for family.

There simply is no need to have gender specific terminology, as it is not relevant to the matter at hand.

In fact, using gender specific terminology assumes that all marriages and divorces, adoptions and families exist only between a man and a woman and therefore are out of date.

Adopting gender neutral terminology is a necessary update to keep existing laws relevant to all marriages or divorces and adoptions.

Thank you for reading my testimony.

**SB-109**

Submitted on: 2/6/2023 7:15:14 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jacqueline Cox	Individual	Support	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and members of the JDC committee,

I am writing to express my strong support for SB 109, which replaces gender-specific terminology used in adoption and divorce matters with gender-neutral terminology. As a nonbinary person who uses they/she pronouns, I know firsthand the importance of being able to accurately and truthfully reflect one's gender identity in legal documentation.

For many queer and gender nonconforming individuals, adopting children is a way to create a family, and it is essential that these families are able to use their correct pronouns on legal paperwork. I believe this bill is crucial in promoting inclusivity and respect for the LGBTQ+ community in our legal system.

The current system that relies on binary gender categories is not only exclusionary, but it also erases the experiences and identities of many individuals. By adopting a gender-neutral approach, this bill will ensure that all individuals are able to be recognized and respected in the legal system, regardless of their gender identity.

I urge you to support SB 109 and work towards creating a legal system that is inclusive and respectful of all members of our community. Thank you for your time and consideration.

Sincerely,  
Jacqueline Cox



**SB-109**

Submitted on: 2/6/2023 11:24:07 PM

Testimony for JDC on 2/9/2023 9:30:00 AM

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

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and members of the JDC committee,

As a concerned citizen and public health professional, I am writing in support of SB109, which would replace gender-specific terminology used in adoption and divorce matters with gender-neutral terminology.

Hawai'i has established laws and policies that allow for people of all genders to get their birth certificate, driver's license and other documents updated, so it follows that other legal documents follow suit. The National Center for State Courts put forth that gender neutral terminology for judicial matter is important for "fairness, dignity, and impartiality". ( [https://www.ncsc.org/\\_data/assets/pdf\\_file/0028/84916/Gender-Inclusivity-in-the-Courts.pdf](https://www.ncsc.org/_data/assets/pdf_file/0028/84916/Gender-Inclusivity-in-the-Courts.pdf) )

This bill is important for fair, equitable, and consistent legal proceedings in Hawaii, especially for matters related to local families.

Please support SB109.

With thanks,

Thaddeus Pham (he/him)

Dear Chair Rhoads, Vice Chair Gabbard, and members of the JDC committee,

Please support SB109/110, which would replace gender-specific terminology used in adoption and divorce matters with gender-neutral terminology. Gender-inclusive language is a powerful way to promote gender equality and remove gender bias from this world. It allows for individuals to have a safe space in which does not perpetuate differences between different genders. This, alone, empowers success, promotes inclusiveness, and demonstrates respect for all backgrounds.

Thank you,

Anika Martin (she/her)

**SB-109**

Submitted on: 2/7/2023 10:10:53 AM

Testimony for JDC on 2/9/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ilima DeCosta	Individual	Support	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and members of the JDC committee,

Please support SB109/SB110 which would replace gender-specific terminology used in adoption and divorce matters with gender-neutral terminology.

Hawai'i has established laws and policies that allow for people of all genders to get their birth certificate, driver's license and other documents updated, so it follows that other legal documents follow suit. This bill is important for fair, equitable, and consistent legal proceedings in Hawaii, especially for matters related to local families.

I urge you to support SB109/SB110.

Mahalo.

**SB-109**

Submitted on: 2/7/2023 11:17:29 AM

Testimony for JDC on 2/9/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
francine less	Individual	Support	Written Testimony Only

Comments:

Please support SB109/SB110 which would replace gender-specific terminology used in adoption and divorce matters with gender-neutral terminology.

Hawai'i has established laws and policies that allow for people of all genders to get their birth certificate, driver's license and other documents updated, so it follows that other legal documents follow suit. This bill is important for fair, equitable, and consistent legal proceedings in Hawaii, especially for matters related to local families.

I urge you to support this bill.

**SB-109**

Submitted on: 2/8/2023 9:05:31 AM

Testimony for JDC on 2/9/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Renee Rabb	Individual	Support	Written Testimony Only

Comments:

SB 109 Gender neutral terminology

I strongly support SB109, by Sen. Buenaventura, which replaces gender specific language in adoption and divorce with gender neutral terms. This modernizes the language in the law to reflect current relationships and reality. Please fix this so that the law will clearly express its intent for all families.

Mahalo,

Renee Rabb

Keaau, HI 96749

District 4, Pct 2

**SB-109**

Submitted on: 2/8/2023 8:50:28 AM

Testimony for JDC on 2/9/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jody Shiroma	Individual	Support	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and members of the JDC committee,

Please support SB109/SB110 which would replace gender-specific terminology used in adoption and divorce matters with gender-neutral terminology.

Hawai'i has established laws and policies that allow people of all genders to get their birth certificates, driver's licenses and other documents updated, so it follows that other legal documents follow suit. This bill is important for fair, equitable, and consistent legal proceedings in Hawaii, especially for matters related to local families.

I urge you to support this bill.

Mahalo in advance for your consideration.

Jody

**SB-109**

Submitted on: 2/8/2023 10:39:06 AM

Testimony for JDC on 2/9/2023 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cynthia Texeira	Individual	Support	Written Testimony Only

Comments:

SB109 RELATING TO GENDER-NEUTRAL TERMINOLOGY.

I strongly support SB109.