
A BILL FOR AN ACT

RELATING TO PARENTAGE.

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

1 SECTION 1. This Act implements appropriate portions of the
2 Uniform Parentage Act of 2017 to replace the Uniform Parentage
3 Act of 1973.

4 SECTION 2. The Hawaii Revised Statutes is amended by
5 adding a new chapter to title 31 to be appropriately designated
6 and to read as follows:

7 **"CHAPTER**

8 **UNIFORM PARENTAGE ACT**

9 **PART I. GENERAL PROVISIONS**

10 § -101 **Short title.** This chapter may be cited as the
11 Uniform Parentage Act.

12 § -102 **Definitions.** In this chapter:

13 "Acknowledged parent" means an individual who has
14 established a parent-child relationship under part III or IV.

15 "Adjudicated parent" means an individual who has been
16 adjudicated to be a parent of a child by a court with
17 jurisdiction.



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

7 "Birth" includes stillbirth.

8 "Child" means an individual of any age whose parentage may
9 be determined under this chapter.

10 "Child support enforcement agency" means the state agency
11 created pursuant to chapter 576D.

12 "Combined relationship index" means the product of all
13 tested relationship indices.

14 "De facto parent" means an individual who meets the
15 criteria set out in section -603(d).

16 "Ethnic or racial group" means for the purpose of genetic
17 testing, a recognized group that an individual identifies as the
18 individual's ancestry or part of the ancestry or that is
19 identified by other information.

20 "Genetic parent" means an individual whose relationship to
21 a child has been determined by genetic testing.



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

3 "Hypothesized genetic relationship" means an asserted
4 genetic relationship between an individual and a child.

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

6 "Parent" means an individual who has established a
7 parent-child relationship under section -301.

8 "Parentage" or "parent-child relationship" means the legal
9 relationship between a child and a parent of the child.

10 "Presumed parent" means an individual who under
11 section -303 is presumed to be a parent of a child unless the
12 presumption is overcome in a judicial proceeding, or a court
13 adjudicates the individual to be a parent.

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

15 **PART II. JURISDICTION**

16 § -201 **Jurisdiction; venue.** (a) Without limiting the
17 jurisdiction of any other court, the family court shall have
18 jurisdiction over an action brought under this chapter, chapter
19 576B, or chapter 583A. The action may be joined with an action
20 for divorce, annulment, separate maintenance, or support.



1 (b) An individual who has sexual intercourse in this State
2 thereby submits to the jurisdiction of the courts of this State
3 as to an action brought under this chapter with respect to a
4 child who may have been conceived by that act of intercourse,
5 regardless of where the child is born. A court of this State
6 with jurisdiction to adjudicate parentage may exercise personal
7 jurisdiction over a nonresident individual, or a guardian or
8 conservator of the individual, if the conditions prescribed in
9 section 576B-201 are satisfied. In addition to any other method
10 provided by statute, personal jurisdiction over a resident and
11 nonresident individual may be acquired by personal service
12 within or outside this State or by service by registered or
13 certified mail, postage prepaid, with return receipt requested.

14 (c) In addition to any other method of service provided by
15 statute or court rule, if the respondent is not found within the
16 circuit, service may be effectuated by registered or certified
17 mail, with request for a return receipt and direction to deliver
18 to the addressee only. The return receipt signed by the
19 respondent shall be prima facie evidence that the respondent
20 accepted delivery of the complaint and summons on the date set
21 forth on the receipt. For service effectuated by registered or



1 certified mail, an electronic copy or facsimile of the signature
2 of the served individual or certified mailers provided by the
3 United States Postal Service shall constitute valid proof of
4 service on the individual. Actual receipt by the respondent of
5 the complaint and summons sent by registered or certified mail
6 shall be the equivalent to personal service on the respondent by
7 an authorized process server as of the date of the receipt.

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

18 (1) When publication is authorized, the summons shall be
19 published once a week for four consecutive weeks in a
20 publication of general circulation in the circuit.

21 The publication of general circulation shall be



1 designated by the court in the order for publication
2 of the summons. Notice by publication shall have the
3 same force and effect as the individual having been
4 personally served with the summons; provided that the
5 date of the last publication shall be set no less than
6 twenty-one days before the return date stated in the
7 summons. Proof of service shall be satisfied by an
8 affidavit or declaration by the authorized
9 representative for the publication that the notice was
10 given in the manner prescribed by the court;

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

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



1 (4) When service is made by posting to a public bulletin
2 board, proof of service shall be satisfied by an
3 affidavit or declaration by the process server that
4 the notice was given in the manner prescribed by the
5 court.

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

7 (1) The child resides;

8 (2) Either acknowledged parent, adjudicated parent,
9 alleged genetic parent, de facto parent, genetic
10 parent, or presumed parent of the child resides;

11 (3) The child was born; or

12 (4) Any probate proceedings have been or could be
13 commenced for the estate of a deceased parent of the
14 child.

15 § -202 **Parentage determinations from other states and**

16 **territories.** (a) Parentage determinations from other states

17 and territories, whether established through voluntary

18 acknowledgement or through administrative or judicial processes,

19 shall be treated the same as a parentage adjudication in this

20 State. A determination addressing parentage only in another



1 state shall not preclude a court in this State from addressing
2 other related issues.

3 (b) As used in this section, "parentage determination"
4 means establishment of a parent-child relationship by a judicial
5 or administrative proceeding or signing of a valid
6 acknowledgment of parentage under part IV.

7 § -203 **Who may bring action; when action may be brought;**
8 **process, warrant, bond.** (a) A child or guardian ad litem of
9 the child, an individual who is the child's parent under this
10 chapter, an individual whose parentage of the child is to be
11 adjudicated, a personal representative of a deceased parent of
12 the child, the personal representative of a deceased individual
13 who otherwise would be entitled to maintain a proceeding, or the
14 child support enforcement agency may bring an action for the
15 purpose of declaring the existence or nonexistence of a
16 parent-child relationship in accordance with the following:

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

19 (A) Within thirty days after the date of the child's
20 birth in any case when a parent relinquishes the



1 child for adoption during the thirty-day period;

2 or

3 (B) Any time before the date of execution by a parent

4 of a valid consent to the child's adoption, or

5 before placement of the child with adoptive

6 parents;

7 (2) If the child has not become the subject of an adoption

8 proceeding, until three years after the child reaches

9 the age of majority or any time after that for good

10 cause; provided that any period of time during which

11 the individual whose parentage is to be adjudicated is

12 absent from the State or is openly cohabitating with a

13 parent of the child or is contributing to the support

14 of the child, shall not be computed;

15 (3) This section shall not extend the time within which a

16 right of inheritance or a right to a succession may be

17 asserted beyond the time provided by law relating to

18 distribution and closing of decedents' estates or to

19 the determination of heirship, or otherwise; and

20 (4) A personal representative in this section may be

21 appointed by the court upon a filing of an ex parte



1 motion by one of the parties entitled to file a
2 parentage action. Probate requirements need not be
3 met. Appointment of the personal representative in
4 this section shall be limited to representation in
5 proceedings under this chapter.

6 (b) When an action is brought under this section, process
7 shall issue in the form of a summons and an order directed to
8 the individual whose parentage of the child is to be
9 adjudicated, requiring each to appear and to show cause why the
10 action should not be brought.

11 If, at any stage of the proceedings, there appears probable
12 cause to believe that the individual whose parentage is to be
13 adjudicated will fail to appear in response thereto or will flee
14 the jurisdiction of the court, the court may issue a warrant
15 directed to the sheriff, deputy sheriff, or any police officer
16 within the circuit, requiring the individual to be arrested and
17 brought for pre-trial proceedings before the family court. Upon
18 the pre-trial proceedings, the court may require the individual
19 to enter into bond with good sureties to the State in a sum to
20 be fixed by the court for each individual's appearance and the
21 trial of the proceeding in the family court. If the individual



1 whose parentage is to be adjudicated fails to give the bond
2 required, the court may immediately commit that individual to
3 the custody of the chief of police of the county, there to
4 remain until that individual enters into the required bond or
5 otherwise is discharged by due process of law. If the
6 individual whose parentage is to be adjudicated fails to appear
7 in any proceeding under this chapter, any bond for that
8 individual's appearance in any proceeding under this chapter
9 shall be forfeited; provided that the trial of, or other
10 proceedings in, the action shall proceed as though that
11 individual were present and the court shall make such orders as
12 it deems proper upon the findings as though that individual were
13 in court.

14 In case of forfeiture of any appearance bond, the money
15 collected upon the forfeiture shall be applied in payment of the
16 judgment against the individual if they are adjudicated to be a
17 parent under this chapter.

18 (c) Regardless of its terms, an agreement, other than an
19 agreement approved by the court in accordance with
20 section -501(a)(2), between a parent and the individual whose



1 parentage is to be adjudicated shall not bar an action under
2 this section.

3 (d) If an action under this section is brought before the
4 birth of the child, all proceedings shall be stayed until after
5 the birth, except service of process and the taking of
6 depositions to perpetuate testimony.

7 (e) Subject to the requirements of section -303(a),
8 where a married individual has not had sexual contact with their
9 spouse nor resided in the same house with the spouse for at
10 least three hundred days before the birth of the child and the
11 spouse cannot be contacted after due diligence, the court may
12 accept an affidavit by the married individual, attesting to
13 their diligent efforts to contact their spouse and providing
14 clear and convincing evidence to rebut the presumption of the
15 parentage of the subject child, and upon the court's
16 satisfaction, notice of the spouse may be waived and the spouse
17 need not be made a party in the parentage proceedings. The
18 court, after receiving evidence, may also enter a finding of
19 nonparentage of the spouse.

20 (f) Where a married individual has not had sexual contact
21 with their spouse nor resided in the same house with the spouse



1 for at least three hundred days before the birth of the child,
2 and the biological parent is known, parentage in the married
3 spouse may be disestablished by submission of affidavits of both
4 spouses and the biological parent stating the name and birthdate
5 of the child and an acknowledgement that the spouse is not the
6 parent and that the biological parent should be adjudicated as
7 the legal parent.

8 § -204 Parties; representation; notice to parents; fees.

9 (a) The child may be made a party to the action and represented
10 by the child's general guardian or a guardian ad litem appointed
11 by the court. The child's acknowledged parent, adjudicated
12 parent, alleged genetic parent, de facto parent, genetic parent,
13 presumed parent, or parent shall not represent the child as
14 guardian or otherwise. Subject to section -203(e), the
15 acknowledged parent, adjudicated parent, alleged genetic parent,
16 de facto parent, genetic parent, presumed parent, parent, and
17 child support enforcement agency, if public assistance moneys
18 are or have been paid for the support of the subject child,
19 shall be made parties, or, if not subject to the jurisdiction of
20 the court, shall be given notice of the action in a manner
21 prescribed by the court and an opportunity to be heard.



1 (b) If it appears to the satisfaction of the court that
2 the acknowledged parent, adjudicated parent, alleged genetic
3 parent, de facto parent, genetic parent, presumed parent, or
4 parent is a minor, the court shall also cause notice of the
5 pendency of the proceedings and copies of the pleadings on file
6 to be served upon the legal parent or guardian who has physical
7 custody of the minor. The court may appoint a guardian ad litem
8 to represent the minor in the proceedings. If the legal parent
9 or guardian of any such minor cannot be found, the notice may be
10 served in such manner as the court may direct pursuant to
11 sections 634-21 to 634-24. The court may align the parties.

12 (c) Fees may be charged of the applicant for the child
13 support enforcement agency's services as provided for by chapter
14 576D.

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

16 **§ -301 Establishment of parent-child relationship.** A
17 parent-child relationship is established between an individual
18 and a child if:

19 (1) The individual gives birth to the child;



- 1 (2) There is a presumption under section -303 of the
2 individual's parentage of the child, unless the
3 presumption is overcome in a judicial proceeding;
- 4 (3) The individual is adjudicated a parent of the child
5 under part V;
- 6 (4) The individual adopts the child; or
- 7 (5) The individual acknowledges parentage of the child
8 under part IV, unless the acknowledgment is rescinded
9 under section -403(d) or successfully challenged
10 under part IV or V.

11 § -302 **Relationship not dependent on marriage.** A
12 parent-child relationship extends equally to every child and
13 parent, regardless of the marital status of the parent.

14 § -303 **Presumption of parentage.** (a) An individual is
15 presumed to be a parent of a child if:

- 16 (1) Except as otherwise provided under the law of this
17 State other than this chapter:
- 18 (A) The individual and the individual who gave birth
19 to the child are married to each other and the
20 child is born during the marriage, regardless of
21 whether the marriage is or could be declared



1 invalid and regardless of the sex of the
2 individuals;

3 (B) The individual and the individual who gave birth
4 to the child were married to each other and the
5 child is born no later than three hundred days
6 after the marriage is terminated by death,
7 divorce, annulment, or after a decree of
8 separation, regardless of whether the marriage is
9 or could be declared invalid; or

10 (C) The individual and the individual who gave birth
11 to the child married each other after the birth of
12 the child, regardless of whether the marriage is
13 or could be declared invalid; the individual at
14 any time asserted parentage of the child; and:

15 (i) The assertion is in a record filed with the
16 department of health; or

17 (ii) The individual agreed to be and is named as
18 a parent of the child on the birth
19 certificate of the child;

20 (2) The individual resided in the same household with the
21 child before the child reaching the age of majority,



1 including any period of temporary absence, and openly
2 held out the child as the individual's child; or
3 (3) The individual is deemed a genetic parent pursuant to
4 section -601.

5 (b) A presumption under this section may be rebutted in an
6 appropriate action only by clear and convincing evidence.

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

8 § -401 **Acknowledgment of parentage.** An individual who
9 gave birth to a child and an alleged genetic parent of the child
10 may sign an acknowledgment of parentage to establish the
11 parentage of the child.

12 § -402 **Execution of acknowledgment of parentage.** (a)
13 An acknowledgment of parentage under section -401 shall:

14 (1) Be in a record signed by the individual who gave birth
15 to the child and by the individual seeking to
16 establish a parent-child relationship, and the
17 signatures shall be attested by a notarial officer or
18 witnessed;

19 (2) State that the child whose parentage is being
20 acknowledged does not have:



- 1 (A) A presumed parent other than the individual
- 2 seeking to establish the parent-child
- 3 relationship; and
- 4 (B) Another acknowledged parent or adjudicated
- 5 parent; and
- 6 (3) State that the signatories understand that the
- 7 acknowledgment is the equivalent of an adjudication of
- 8 parentage of the child and that a challenge to the
- 9 acknowledgment is permitted only under limited
- 10 circumstances and is barred two years after the
- 11 effective date of the acknowledgment, unless good
- 12 cause is shown.
- 13 (b) An acknowledgment of parentage is void if, at the time
- 14 of signing, an individual other than the individual:
- 15 (1) Seeking to establish parentage is a presumed parent;
- 16 or
- 17 (2) Who gave birth to the child or seeking to establish
- 18 parentage is an acknowledged parent or adjudicated
- 19 parent.
- 20 (c) As used in this section, "witnessed" means that at
- 21 least one individual who is authorized to sign has signed a



1 record to verify that the individual personally observed a
2 signatory sign the record.

3 § **-403 Expedited process of parentage.** (a) To expedite
4 the establishment of parentage, each public and private birthing
5 facility, the child support enforcement agency, and the
6 department of health shall provide parents the opportunity to
7 voluntarily acknowledge the parentage of a child during the
8 period immediately before or following the child's birth. The
9 voluntary acknowledgment of parentage shall be in writing and
10 shall consist of a single form signed under oath, or electronic
11 version as allowed by statute, by the individual who gave birth
12 to the child and the individual seeking to establish a
13 parent-child relationship and signed by a witness. The
14 voluntary acknowledgment of parentage form shall include the
15 social security number of each parental signatory. Before the
16 signing of the voluntary acknowledgment of parentage form,
17 designated staff members of the birthing facilities shall
18 provide to both the individual who gave birth to the child and
19 the other parental signatory, if either are present at the
20 birthing facility:

21 (1) Written materials regarding parentage establishment;



- 1 (2) Forms necessary to voluntarily acknowledge parentage;
2 (3) Oral, video, or audio and written descriptions of the
3 alternatives to the legal consequences and the rights
4 and responsibilities of acknowledging parentage,
5 including, if one parent is a minor, any right
6 afforded due to minority status; and
7 (4) The opportunity to speak with staff, either by
8 telephone or in person, who are trained to clarify
9 information and answer questions about parentage
10 establishment.

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

14 The provision by designated staff members of the birthing
15 facility of the information required by this section shall not
16 constitute the unauthorized practice of law. Each birthing
17 facility shall send to the department of health the original
18 acknowledgment of parentage or an electronic version as allowed
19 by statute, containing the social security numbers, dates of
20 birth, places of birth, and ethnic backgrounds, if available, of
21 both parental signatories, with the information required by the



1 department of health so that the birth certificate issued
2 includes the names of the signatories, which shall be promptly
3 recorded by the department of health.

4 (b) The child support enforcement agency shall:

5 (1) Provide to any individual or birthing facility the
6 necessary:

7 (A) Materials and forms and a written description of
8 the rights and responsibilities related to
9 voluntary acknowledgment of parentage; and

10 (B) Training, guidance, and written instructions
11 regarding voluntary acknowledgment of parentage;

12 (2) Annually assess each birthing facility's parentage
13 establishment program; and

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

17 (c) Notwithstanding sections 338-17.7 and 338-18(b), the
18 department of health shall disclose to the child support
19 enforcement agency, upon request, all voluntary acknowledgment
20 of parentage forms on file with the department of health.



1 (d) The signed voluntary acknowledgment of parentage shall
2 constitute a legal finding of parentage, subject to the right of
3 any signatory to rescind the acknowledgment:

4 (1) Within sixty days of signature; or

5 (2) Before the date of an administrative or judicial
6 proceeding relating to the child, including a
7 proceeding to establish a support order to which the
8 signatory is a party,

9 whichever is sooner.

10 (e) Following the sixty-day period referred to in
11 subsection (d), a signed voluntary acknowledgment of parentage
12 may be challenged in court only on the basis of fraud, duress,
13 or material mistake of fact, with the burden of proof on the
14 challenger. The legal responsibilities of any signatory arising
15 from the acknowledgment, including child support obligations,
16 shall not be suspended during the challenge, except for good
17 cause shown.

18 (f) The courts and office of child support hearings of
19 this State shall give full faith and credit to affidavits for
20 the voluntary acknowledgment of parentage signed in any other



1 state and these affidavits shall constitute legal findings of
2 parentage subject to subsections (d) and (e).

3 (g) Judicial and administrative proceedings shall not be
4 required or permitted to ratify an unchallenged acknowledgment
5 of parentage. A voluntary, written acknowledgment of parentage
6 signed by the individuals and filed with the department of
7 health shall be the basis for establishing and enforcing a
8 support obligation through a judicial or administrative
9 proceeding.

10 (h) As used in this section:

11 "Birthing center" means any facility outside a hospital
12 that provides maternity services.

13 "Birthing facility" means a birthing hospital or a birthing
14 center.

15 "Birthing hospital" means any hospital with licensed
16 obstetric care units, any hospital licensed to provide obstetric
17 services, or any licensed birthing center associated with a
18 hospital.

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

20 § -501 **Pretrial recommendations.** (a) On the basis of
21 the information produced at the pretrial hearing, the judge



1 conducting the hearing shall evaluate the probability of
2 determining the existence or nonexistence of the parent-child
3 relationship in a trial and whether a judicial declaration of
4 the relationship would be in the best interest of the child
5 pursuant to section 571-46. On the basis of the evaluation, an
6 appropriate recommendation for settlement shall be made to the
7 parties, which may include any of the following:

- 8 (1) That the action be dismissed with or without
9 prejudice;
- 10 (2) That the matter be compromised by an agreement among
11 the parent and the individual who is seeking to have
12 their parentage adjudicated, and the child, in which
13 the individual seeking to be adjudicated to be a
14 parent is not adjudicated to be a parent but in which
15 a defined economic obligation is undertaken by the
16 alleged parent in favor of the child and, if
17 appropriate, in favor of the parent, subject to
18 approval by the judge conducting the hearing. In
19 reviewing the obligation undertaken by the individual
20 whose parentage is to be adjudicated in a compromise
21 agreement, the judge conducting the hearing shall



1 consider the best interest of the child, in light of
2 the factors enumerated in section 576D-7, discounted
3 by the improbability, as it appears to the judge, of
4 establishing the parentage or nonparentage of the
5 individual whose parentage is to be adjudicated in a
6 trial of the action; or

7 (3) That the alleged parent voluntarily acknowledges
8 parentage of the child.

9 (b) If the parties accept a recommendation made in
10 accordance with subsection (a), judgment shall be entered
11 accordingly.

12 (c) If a party refuses to accept the recommendation made
13 under subsection (a) and genetic tests have not been taken, if
14 practicable, the court may order the parties to submit to
15 genetic tests. Thereafter the judge shall make an appropriate
16 final recommendation. If a party refuses to accept the final
17 recommendation, the action shall be set for trial.

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

20 (e) The informal hearing may be terminated and the action
21 set for trial if the judge conducting the hearing finds it



1 unlikely that all parties would accept a recommendation the
2 judge might make under subsection (a) or (c).

3 § -502 **Civil action.** (a) An action under this chapter
4 shall be a civil action governed by the Hawaii rules of civil
5 procedure or the Hawaii family court rules. The individual who
6 gave birth to the child and the alleged parent shall be
7 competent to testify and may be compelled to testify; provided
8 that no criminal prosecution, other than a prosecution for
9 perjury, shall afterwards be commenced against the individual
10 who gave birth to the child or the individual whose parentage is
11 to be adjudicated on account of any transaction, matter, or
12 thing concerning which they may testify or produce evidence
13 under this chapter, documentary or otherwise. Part VII shall
14 apply in any action brought under this chapter.

15 (b) Testimony relating to sexual access to the individual
16 who gave birth to the child by an unidentified individual at any
17 time or by an identified individual at a time other than the
18 probable time of conception of the child shall be inadmissible
19 in evidence, unless offered by the individual who gave birth to
20 the child.



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

12 § -503 **Action to declare parent-child relationship.** A
13 child or guardian ad litem of the child, an individual who is
14 the child's parent under this chapter, an individual whose
15 parentage of the child is to be adjudicated, a personal
16 representative of a deceased parent of the child, the personal
17 representative of a deceased individual who otherwise would be
18 entitled to maintain a proceeding, or the child support
19 enforcement agency may bring an action to determine the
20 existence or nonexistence of a parent-child relationship.



1 § **-504 Judgment or order.** (a) The judgment or order of
2 the court determining the existence or nonexistence of the
3 parent-child relationship shall be determinative for all
4 purposes.

5 (b) If the judgment or order of the court is at variance
6 with the child's birth certificate, the court shall order that a
7 new birth certificate be issued under section -510.

8 (c) The judgment or order may contain any other provision
9 directed against the appropriate party to the proceeding,
10 concerning the duty of support, the custody and guardianship of
11 the child, visitation privileges with the child, the furnishing
12 of bond or other security for the payment of the judgment, or
13 any other matter in the best interest of the child. Upon
14 neglect or refusal to give this security, or upon default of a
15 parent or a parent's surety in compliance with the terms of the
16 judgment, the court may order the forfeiture of any such
17 security and the application of the proceeds thereof toward the
18 payment of any sums due under the terms of the judgment and may
19 also sequester a parent's personal estate, and the rents and
20 profits of a parent's real estate, and may appoint a receiver
21 thereof, and may cause a parent's personal estate, including any



1 salaries, wages, commissions, or other moneys owed to them and
2 the rents and profits of the parent's real estate, to be applied
3 toward the meeting of the terms of the judgment, to the extent
4 that the court, from time to time, deems just and reasonable.
5 The judgment or order may direct a parent to pay the reasonable
6 expenses of the pregnancy and confinement, including but not
7 limited to medical insurance premiums, such as for MedQuest,
8 that cover the periods of pregnancy, childbirth, and
9 confinement. The court may further order the noncustodial
10 parent to reimburse the custodial parent, the child, or any
11 public agency for reasonable expenses incurred before entry of
12 judgment, including support, maintenance, education, and funeral
13 expenses expended for the benefit of the child.

14 (d) Support judgments or orders ordinarily shall be for
15 periodic payments that may vary in amount. In the best interest
16 of the child, a lump sum payment or the purchase of an annuity
17 may be ordered in lieu of periodic payments of support. The
18 court may limit the obligor parent's liability for past support
19 of the child to the proportion of the expenses already incurred
20 that the court deems just.



1 (e) In determining the amount to be paid by a parent for
2 support of the child and the period during which the duty of
3 support is owed, a court enforcing the obligation of support
4 shall use the guidelines established under section 576D-7.

5 Provision may be made for the support, maintenance, and
6 education of an adult or minor child and an incompetent adult
7 child, regardless of whether the petition is made before or
8 after the child has attained the age of majority.

9 (f) Whenever a parent of a child is a minor, unmarried,
10 and not able to provide full support, the court may order one or
11 both parents of the minor to support the child until the minor
12 reaches the age of majority, is otherwise emancipated, or is
13 financially able to fully support the child, whichever occurs
14 first. For this purpose:

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

18 (2) The resources, standard of living, and earning ability
19 of the parent or parents of the minor shall be
20 considered under subsection (e) in determining the
21 amount of support; and



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

5 § **-505 Costs.** The court may order reasonable fees of
6 counsel, experts, and the child's guardian ad litem, and other
7 costs of the action and pretrial proceedings, including genetic
8 tests, subject to section -705, to be paid by the parties in
9 proportions and at times determined by the court.

10 § **-506 Enforcement of judgment or order.** (a) If the
11 existence of the parent-child relationship is declared, or
12 parentage or a duty of support has been acknowledged or
13 adjudicated under this chapter or under prior law, the
14 obligation of a parent may be enforced in the same or other
15 proceedings by the other parent, the child, the public authority
16 that has furnished or may furnish the reasonable expenses of
17 pregnancy, confinement, education, support, or funeral, or by
18 any other individual, including a private agency, to the extent
19 the individual has furnished or is furnishing these expenses.

20 (b) The court may order support payments to be made:

21 (1) To a parent or an adult child;



1 (2) Through the child support enforcement agency as its
2 rules permit; or

3 (3) Through an individual, corporation, or agency
4 designated to administer support payments for the
5 benefit of the child under the supervision of the
6 court.

7 (c) Wilful failure to obey the judgment or order of the
8 court shall be a civil contempt of the court. All remedies for
9 the enforcement of judgments shall apply to this chapter. When
10 a court of competent jurisdiction issues an order compelling a
11 parent to furnish support, including child support, medical
12 support, or other remedial care, for the parent's child, it
13 shall constitute prima facie evidence of a civil contempt of
14 court upon proof that:

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

18 (2) The parent did not comply with the order. An order of
19 civil contempt of court based on prima facie evidence
20 under this subsection shall clearly state that the
21 failure to comply with the order of civil contempt of



1 court may subject the parent to a penalty that may
2 include imprisonment or, if imprisonment is
3 immediately ordered, the conditions that must be met
4 for release from imprisonment. A party may also prove
5 civil contempt of court by means other than prima
6 facie evidence under this subsection.

7 § -507 **Modification of judgment or order.** (a) Subject
8 to section 576B-205, the court shall have continuing
9 jurisdiction to modify or revoke a judgment or order:

10 (1) For future education and support; and

11 (2) With respect to matters listed in section -504(c)
12 and (d) and section -506(b); provided that a court
13 entering a judgment or order for the payment of a lump
14 sum or the purchase of an annuity under
15 section -504(d) may specify that the judgment or
16 order shall not be modified or revoked.

17 (b) In those cases where child support payments are to
18 continue due to the adult child's pursuance of education, the
19 child support enforcement agency, at least three months before
20 the adult child's nineteenth birthday, shall send notice by
21 regular mail to the custodial parent and adult child that



1 prospective child support will be suspended unless proof is
2 provided by the custodial parent or adult child, to the child
3 support enforcement agency, before the child's nineteenth
4 birthday, that the child is presently enrolled as a full-time
5 student in school or has been accepted into and plans to attend
6 as a full-time student for the next semester a post-high school
7 university, college, or vocational school. If the custodial
8 parent or adult child fails to do so, prospective child support
9 payments may be automatically suspended by the child support
10 enforcement agency, hearings officer, or court. In addition, if
11 applicable, the child support enforcement agency, hearings
12 officer, or court may issue an order terminating existing
13 assignments against the responsible parent's income and income
14 assignment orders.

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

18 § -508 **Hearings and records; confidentiality.** (a)
19 Notwithstanding any other law concerning public hearings and
20 records, any hearing or trial held under this chapter shall be
21 held in closed court without admittance of any individual other



1 than those individuals necessary to the action or proceeding.
2 All papers and records pertaining to the action or proceeding,
3 whether part of the permanent record of the court or of a file
4 in the department of health or elsewhere, shall be subject to
5 inspection only upon consent of the court and all interested
6 individuals, or in exceptional cases only upon an order of the
7 court for good cause shown.

8 (b) Upon parentage being established, the confidentiality
9 requirement shall not extend to the judgment and all
10 subsequently filed documents that are used in good faith for
11 support and medical expenses, insurance, or enforcement
12 purposes; provided that the confidentiality requirement shall
13 continue to apply to any references to a non-adjudicated alleged
14 or presumed parent.

15 (c) Subsections (a) and (b) shall only apply to cases
16 filed before January 1, 2021.

17 § -509 **Court filings; minutes of proceedings; posting**
18 **requirement.** The judiciary shall post on its website the titles
19 of all court filings and the minutes of court proceedings in
20 cases brought under this chapter; provided that the judiciary
21 shall redact information that has been made confidential by any



1 statute, rule of court, or court order; and provided further
2 that, on request of a party and for good cause, the court may
3 close a proceeding and records to the public except that the
4 titles of all court filings for the case and the contents of a
5 final order shall be available for public inspection, with other
6 papers and records available for public inspection only with the
7 consent of the parties or by court order.

8 § **-510 Birth records.** (a) Upon order of a court of
9 this State or upon request or order of a court of another state,
10 or following acknowledgment as provided in section -401, the
11 department of health shall prepare a new certificate of birth
12 consistent with the findings of the court or in cases of
13 acknowledgment under section -401, consistent with the
14 acknowledgment, and shall substitute the new certificate for the
15 original certificate of birth.

16 (b) The fact that a parent-child relationship was declared
17 or acknowledged after the child's birth shall not be
18 ascertainable from the new certificate but the actual place and
19 date of birth shall be shown.

20 (c) The evidence upon which the new certificate was made
21 and the original birth certificate shall be kept in a sealed and



1 confidential file and be subject to inspection only upon consent
2 of the court and all interested individuals, or in exceptional
3 cases only upon an order of the court for good cause shown.

4 § -511 **Parentage judgment, acknowledgment, support**
5 **order; social security number.** The social security number of
6 any individual who is subject to a parentage judgment or
7 acknowledgment, or a support order issued under this chapter,
8 shall be placed in the records relating to the matter in
9 compliance with any other court rule or law.

10 § -512 **Filing of acknowledgments and adjudications with**
11 **department of health.** All voluntary acknowledgments and
12 adjudications of parentage by judicial process shall be filed
13 with the department of health for comparison with information in
14 the state case registry. Filing of the adjudications of
15 parentage shall be the responsibility of the natural parent or
16 an individual or agency as the court shall direct.

17 **PART VI. SPECIAL RULES FOR PROCEEDINGS**

18 **TO ADJUDICATE PARENTAGE**

19 § -601 **Adjudicating parentage of child with alleged**
20 **genetic parent.** (a) A proceeding to determine whether an
21 alleged genetic parent is a parent of a child may be commenced:



- 1 (1) Until three years after the child reaches the age of
2 majority; or
- 3 (2) After the time has passed under paragraph (1), but
4 only if the child initiates the proceeding.
- 5 (b) Except as otherwise provided by law, this subsection
6 shall apply in a proceeding described in subsection (a) if the
7 individual who gave birth to the child is the only other
8 individual with a claim to parentage of the child. The court
9 shall adjudicate an alleged genetic parent to be a parent of the
10 child if the alleged genetic parent:
- 11 (1) Is identified under section -705 as a genetic
12 parent of the child and the identification is not
13 successfully challenged under section -705;
- 14 (2) Admits parentage in a pleading, when making an
15 appearance, or during a hearing; the court accepts the
16 admission; and the court determines the alleged
17 genetic parent to be a parent of the child;
- 18 (3) Declines to submit to genetic testing ordered by the
19 court or the child support enforcement agency, in
20 which case the court may adjudicate the alleged
21 genetic parent to be a parent of the child even if the



1 alleged genetic parent denies a genetic relationship
2 with the child;

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

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

10 (c) If in a proceeding involving an alleged genetic parent
11 at least one other individual in addition to the individual who
12 gave birth to the child has a claim to parentage of the child,
13 the court shall adjudicate parentage under section -606.

14 § -602 **Adjudicating parentage of child with presumed**

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

17 (1) Until three years after the child reaches the age of
18 majority; or

19 (2) After the time has passed under paragraph (1), but
20 only if the child initiates the proceeding.



1 (b) A presumption of parentage under section -303
2 cannot be overcome after the child attains two years of age
3 unless the court determines:

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

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

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

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

17 (2) If the presumed parent is identified under
18 section -705 as a genetic parent of the child and
19 that identification is not successfully challenged
20 under section -705, the court shall adjudicate the
21 presumed parent to be a parent of the child; and



1 (3) If the presumed parent is not identified under
2 section -705 as a genetic parent of the child and
3 the presumed parent or the individual who gave birth
4 to the child challenges the presumed parent's
5 parentage of the child, the court shall adjudicate the
6 parentage of the child in the best interest of the
7 child based on the factors under section -606(a)
8 and (b).

9 (d) If in a proceeding to adjudicate a presumed parent's
10 parentage of a child, another individual in addition to the
11 individual who gave birth to the child asserts a claim to
12 parentage of the child, the court shall adjudicate parentage
13 under section -606.

14 § -603 **Adjudicating claim of de facto parentage of**

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

17 (1) Is alive when the proceeding is commenced; and

18 (2) Claims to be a de facto parent of the child.

19 (b) An individual who claims to be a de facto parent of a
20 child shall commence a proceeding to establish parentage of a
21 child under this section:



1 (1) Before the child attains the age of majority; and

2 (2) While the child is alive.

3 (c) The following rules shall govern standing of an
4 individual who claims to be a de facto parent of a child to
5 maintain a proceeding under this section:

6 (1) The individual shall file an initial verified pleading
7 alleging specific facts that support the claim to
8 parentage of the child asserted under this section.

9 The verified pleading shall be served on all parents
10 and legal guardians of the child and any other party
11 to the proceeding;

12 (2) An adverse party, parent, or legal guardian may file a
13 pleading in response to the pleading filed under
14 paragraph (1). A responsive pleading shall be
15 verified and served on parties to the proceeding; and

16 (3) Unless the court finds a hearing is necessary to
17 determine disputed facts material to the issue of
18 standing, the court shall determine, based on the
19 pleadings under paragraphs (1) and (2), whether the
20 individual has alleged facts sufficient to satisfy by
21 a preponderance of the evidence the requirements of



1 subsection (d)(1) through (7). If the court holds a
2 hearing under this subsection, the hearing shall be
3 held on an expedited basis.

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

11 (1) The individual resided with the child as a regular
12 member of the child's household for a significant
13 period;

14 (2) The individual engaged in consistent caretaking of the
15 child;

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

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



1 (5) The individual established a bonded and dependent
2 relationship with the child which is parental in
3 nature;

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

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

9 (e) Subject to other limitations in this part, if in a
10 proceeding to adjudicate parentage of an individual who claims
11 to be a de facto parent of the child, there is more than one
12 other individual who is a parent or has a claim to parentage of
13 the child and the court determines that the requirements of
14 subsection (d) are satisfied, the court shall adjudicate
15 parentage under section -606.

16 § -604 **Adjudicating parentage of child with acknowledged**
17 **parent.** (a) If a child has an acknowledged parent, a
18 proceeding to challenge the acknowledgment of parentage or a
19 denial of parentage, brought by a signatory to the
20 acknowledgment or denial, shall be governed by
21 section -403(e).



1 (b) If a child has an acknowledged parent, the following
2 rules shall apply in a proceeding to challenge the
3 acknowledgment of parentage or a denial of parentage brought by
4 an individual, other than the child, who has standing under
5 section -203 and was not a signatory to the acknowledgment or
6 denial:

7 (1) The individual shall commence the proceeding no later
8 than two years after the effective date of the
9 acknowledgment unless the acknowledgment was obtained
10 by fraud;

11 (2) The court may permit the proceeding only if the court
12 finds permitting the proceeding is in the best
13 interest of the child pursuant to section 571-46; and

14 (3) If the court permits the proceeding, the court shall
15 adjudicate parentage under section -606.

16 **§ -605 Adjudicating parentage of child with adjudicated**

17 **parent.** (a) If a child has an adjudicated parent, a proceeding
18 to challenge the adjudication, brought by an individual who was
19 a party to the adjudication or received notice under
20 section -201, shall be governed by the rules governing a
21 collateral attack on a judgment.



1 (b) If a child has an adjudicated parent, the following
2 rules shall apply to a proceeding to challenge the adjudication
3 of parentage brought by an individual, other than the child, who
4 has standing under section -203 and was not a party to the
5 adjudication and did not receive notice under section -201:

6 (1) The individual shall commence the proceeding no later
7 than two years after the effective date of the
8 adjudication unless the acknowledgment was obtained by
9 fraud;

10 (2) The court may permit the proceeding only if the court
11 finds permitting the proceeding is in the best
12 interest of the child; and

13 (3) If the court permits the proceeding, the court shall
14 adjudicate parentage under section -606.

15 § -606 **Adjudicating competing claims of parentage.** (a)

16 Except as otherwise provided by law, in a proceeding to
17 adjudicate competing claims of parentage of a child by two or
18 more individuals, or challenges thereto under
19 section -602, -604, or -605, the court shall adjudicate
20 parentage in the best interest of the child, based on:

21 (1) The age of the child;



- 1 (2) The length of time during which each individual
2 assumed the role of parent of the child;
- 3 (3) The nature of the relationship between the child and
4 each individual;
- 5 (4) The harm to the child if the relationship between the
6 child and each individual is not recognized;
- 7 (5) The basis for each individual's claim to parentage of
8 the child; and
- 9 (6) Other equitable factors arising from the disruption of
10 the relationship between the child and each individual
11 or the likelihood of other harm to the child.
- 12 (b) If an individual challenges parentage based on the
13 results of genetic testing, in addition to the factors listed in
14 subsection (a), the court shall consider:
- 15 (1) The facts surrounding the discovery that the
16 individual might not be a genetic parent of the child;
17 and
- 18 (2) The length of time between the time that the
19 individual was placed on notice that the individual
20 might not be a genetic parent and the commencement of
21 the proceeding.



1 (c) The court may adjudicate a child to have more than two
2 parents under this chapter if the court finds that failure to
3 recognize more than two parents would be detrimental to the
4 child. A finding of detriment to the child shall not require a
5 finding of unfitness of any parent or individual seeking an
6 adjudication of parentage. In determining detriment to the
7 child, the court shall consider all relevant factors, including
8 the harm if the child is removed from a stable placement with an
9 individual who has fulfilled the child's physical needs and
10 psychological needs for care and affection and has assumed the
11 role for a substantial period.

12 **PART VII. GENETIC TESTING**

13 **§ -701 Scope of part; limitation on use of genetic**
14 **testing.** This part governs genetic testing of an individual in
15 a proceeding to adjudicate parentage, whether the individual:

- 16 (1) Voluntarily submits to testing; or
17 (2) Is tested under an order of the court or the child
18 support enforcement agency.

19 **§ -702 Authority to order or deny genetic testing.** (a)
20 Except as otherwise provided in this part or part V, in a
21 proceeding under this chapter to determine parentage, the court



1 shall order the child and any other individual to submit to
2 genetic testing if a request for testing is supported by the
3 sworn statement of a party:

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

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

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

13 (c) The court or child support enforcement agency shall
14 not order in utero genetic testing.

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

18 (e) Genetic testing of an individual who gave birth to a
19 child is not a condition precedent to testing of the child and
20 an individual whose genetic parentage of the child is being
21 determined. If the individual who gave birth to the child is



1 unavailable or declines to submit to genetic testing, the court
2 may order genetic testing of the child and each individual whose
3 genetic parentage of the child is being adjudicated.

4 (f) In a proceeding to adjudicate the parentage of a child
5 having a presumed parent or an individual who claims to be a de
6 facto parent under section -603, or to challenge an
7 acknowledgment of parentage, the court may deny a motion for
8 genetic testing of the child and any other individual after
9 considering the factors in section -606(a) and (b).

10 (g) If an individual requesting genetic testing is barred
11 under section -403(e) from establishing the individual's
12 parentage, the court shall deny the request for genetic testing
13 unless the court finds good cause.

14 (h) An order under this section for genetic testing is
15 enforceable by contempt.

16 **§ -703 Requirements for genetic testing.** (a) Genetic
17 testing shall be of a type reasonably relied on by experts in
18 the field of genetic testing and performed in a testing
19 laboratory accredited by:

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



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

3 (b) A specimen used in genetic testing may consist of a
4 sample or a combination of samples of blood, buccal cells, bone,
5 hair, or other body tissue or fluid. The specimen used in the
6 testing need not be of the same kind for each individual
7 undergoing genetic testing.

8 (c) Based on the ethnic or racial group of an individual
9 undergoing genetic testing, a testing laboratory shall determine
10 the databases from which to select frequencies for use in
11 calculating a relationship index. If an individual or the child
12 support enforcement agency objects to the laboratory's choice,
13 the following rules shall apply:

14 (1) No later than thirty days after receipt of the report
15 of the test, the objecting individual or the child
16 support enforcement agency may request the court to
17 require the laboratory to recalculate the relationship
18 index using an ethnic or racial group different from
19 that used by the laboratory;



1 (2) The individual or the child support enforcement agency
2 objecting to the laboratory's choice under this
3 subsection shall:

4 (A) If the requested frequencies are not available to
5 the laboratory for the ethnic or racial group
6 requested, provide the requested frequencies
7 compiled in a manner recognized by accrediting
8 bodies; or

9 (B) Engage another laboratory to perform the
10 calculations; and

11 (3) The laboratory may use its own statistical estimate if
12 there is a question as to which ethnic or racial group
13 is appropriate. The laboratory shall calculate the
14 frequencies using statistics, if available, for any
15 other ethnic or racial group requested.

16 (d) If, after recalculation of the relationship index
17 under subsection (c) using a different ethnic or racial group,
18 genetic testing does not identify an individual as a genetic
19 parent of a child, the court may require an individual who has
20 been tested to submit to additional genetic testing to identify
21 a genetic parent.



1 (e) As used in this section, "relationship index" means a
2 likelihood ratio that compares the probability of a genetic
3 marker given a hypothesized genetic relationship and the
4 probability of the genetic marker given a genetic relationship
5 between the child and a random individual of the ethnic or
6 racial group used in the hypothesized genetic relationship.

7 § -704 **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
11 self-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 specimen;
- 19 (3) The place and date each specimen was collected;
- 20 (4) The name of the individual who received each specimen
21 in the testing laboratory; and



1 (5) The date each specimen was received.

2 § -705 Genetic testing results; challenge to results.

3 (a) In any hearing or trial brought under this chapter, a
4 report of the facts and results of genetic tests ordered by the
5 court under this chapter shall be admissible in evidence by
6 affidavit of the person whose name is signed to the report,
7 attesting to the procedures followed in obtaining the report. A
8 report of the facts and results of genetic tests shall be
9 admissible as evidence of parentage without the need for
10 foundation testimony or other proof of authenticity or accuracy,
11 unless objection is made. The genetic testing performed shall
12 be of a type generally acknowledged as reliable by accreditation
13 bodies designated by the United States Secretary of the Health
14 and Human Services.

15 (b) Subject to a challenge under subsection (c), an
16 individual is identified under this chapter as a genetic parent
17 of a child if genetic testing complies with this part and the
18 results of the testing disclose:

19 (1) That the individual has at least a ninety-nine per
20 cent probability of parentage, using a prior
21 probability of 0.50, as calculated by using the



1 combined relationship index obtained in the testing;
2 and

3 (2) A combined relationship index of at least one hundred
4 to one.

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

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

11 (2) Identifies another individual as a possible genetic
12 parent of the child other than the individual:

13 (A) Who gave birth to the child; or

14 (B) Identified under subsection (b).

15 An alleged parent or party to the parentage action who
16 objects to the admission of the report concerning the genetic
17 test results shall file a motion no later than twenty days after
18 receiving a copy of the report and show good cause as to why a
19 witness is necessary to lay the foundation for the admission of
20 the report as evidence. The court may, sua sponte, or at a
21 hearing on the motion, determine whether a witness shall be



1 required to lay the foundation for the admission of the report
2 as evidence. The right to call witnesses to rebut the report is
3 reserved to all parties.

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

9 (e) Should an original test result be contested, the court
10 shall order further genetic testing with payment of the testing
11 to be advanced and paid for by the contesting party.

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



1 § **-801 Uniformity of application and construction.** This
2 chapter shall be applied and construed to effectuate its general
3 purpose to make uniform the law with respect to the subject of
4 this chapter among states enacting it."

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

7 "(f) Effective July 1, 1990, the functions, authority, and
8 obligations, together with the limitations imposed thereon and
9 the privileges and immunities conferred thereby, exercised by a
10 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's
11 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
12 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,
13 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
14 353-11, 356D-54, 356D-94, 383-71, 445-37, 482E-4, 485A-202,
15 501-42, 501-171, 501-218, 521-78, 578-4, [~~584-67~~] -203,
16 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11,
17 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2,
18 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14,
19 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to
20 the same extent by the department of public safety; and
21 effective January 1, 2024, those functions, authority, and



1 obligations shall be exercised to the same extent by the
2 department of law enforcement."

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

5 "**§338-12 Evidentiary character of certificates.**

6 Certificates filed within thirty days after the time prescribed
7 therefor shall be prima facie evidence of the facts therein
8 stated. Data pertaining to [~~the father~~] a parent of a child is
9 prima facie evidence if:

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

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

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

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



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

3 "**§338-15 Late or altered certificates.** A person born in
4 the State may file or amend a certificate after the time
5 prescribed, upon submitting proof as required by rules adopted
6 by the department of health. Certificates registered after the
7 time prescribed for filing by the rules of the department of
8 health shall be registered subject to any evidentiary
9 requirements that the department adopts by rule to substantiate
10 the alleged facts of birth. The department may amend a birth
11 certificate to change or establish the identity of a
12 registrant's parent only pursuant to a court order from a court
13 of appropriate jurisdiction or pursuant to a legal establishment
14 of parenthood pursuant to chapter [~~584.~~] _____. Amendments that
15 change or establish the identity of a registrant's parent that
16 are made in accordance with this section shall not be considered
17 corrections of personal records pursuant to chapter 92F."

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

20 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, on:

4 (1) [~~on the~~] The marriage of the natural parents with each
5 other[~~;~~];

6 (2) [~~on the~~] The voluntary, written acknowledgments of
7 [~~paternity~~] parentage under oath signed by the natural
8 father and the natural mother[~~;~~]; or

9 (3) [~~on establishment~~] Establishment of the [~~parent and~~
10 ~~child~~] parent-child relationship under chapter
11 [~~584,~~] _____,

12 are entitled to the same rights as those born to parents married
13 to each other and shall take the name so stipulated by their
14 parents or, if the parents do not agree on the name, shall take
15 the name specified by a court of competent jurisdiction to be
16 the name that is in the best interests of the child. The
17 original certificate of birth shall contain the name so
18 stipulated. The child or children or the parents thereof may
19 petition the department of health to issue a new original
20 certificate of birth, and not a duplicate of the original
21 certificate that has been amended, altered, or modified, in the



1 new name of the child, and the department shall issue the new
2 original certificate of birth. As used in this section, "name"
3 includes the first name, middle name, or last name."

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

5 "(d) Nothing in this section shall be construed to limit
6 the power of the courts to order the department to prepare new
7 certificates of birth under section [~~584-23.~~] -510."

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

10 "**§532-6 To child born to parents not married to each**
11 **other.** Every child born to parents not married to each other at
12 the time of the child's birth and for whom the [~~parent and~~
13 ~~child~~] parent-child relationship has not been established
14 pursuant to chapter [~~584~~] ___ shall be considered as an heir to
15 the child's mother, and shall inherit [~~her~~] the mother's estate,
16 in whole or in part, as the case may be, in like manner as if
17 the child had been born in lawful wedlock."

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

20 "(a) Except as provided in subsections (b) and (c), for
21 purposes of intestate succession by, through, or from a person,



1 an individual [~~is~~] shall be deemed the child of the child's
2 natural parents, regardless of their marital status. The
3 [~~parent and child~~] parent-child relationship may be established
4 under chapter [~~584.~~] _____."

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

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

9 (1) To try any offense committed against a child by the
10 child's parent or guardian or by any other person
11 having the child's legal or physical custody, and any
12 violation of section 302A-1135, 707-726, 707-727, 709-
13 902, 709-903, 709-903.5, 709-904, 709-905, or 709-906,
14 [~~or 302A-1135,~~] whether or not included in other
15 provisions of this paragraph or paragraph (2);

16 (2) To try any adult charged with:

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

19 (B) An offense, other than a felony, against the
20 person of the defendant's [~~husband or wife,~~]
21 spouse;



1 (C) Any violation of an order issued pursuant to
2 chapter 586; or

3 (D) Any violation of an order issued by a family
4 court judge.

5 ~~[In any case within paragraph (1) or (2), the court, in its~~
6 ~~discretion, may waive its jurisdiction over the offense~~
7 ~~charged.]~~

8 (3) In all proceedings under chapter 580 ~~[, and in all~~
9 ~~proceedings under chapter 584,]~~ or _____ ;

10 (4) In proceedings under chapter 575, the Uniform
11 Desertion and Nonsupport Act, ~~[and under chapter]~~ or
12 576B, the Uniform Interstate Family Support Act;

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

15 (6) In all proceedings for support between parent and
16 child or between ~~[husband and wife,]~~ spouses;

17 (7) In all proceedings for pre-trial detention or waiver
18 of jurisdiction over an adult who was a child at the
19 time of an alleged criminal act as provided in section
20 571-13 or 571-22;



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

3 (9) For the protection of vulnerable adults under
4 chapter 346, part X[-];

5 provided that in any case within paragraph (1) or (2), the
6 court, in its discretion, may waive its jurisdiction over the
7 offense charged.

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

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

13 "**§571-50 Modification of decree, rehearing.** (a) Except
14 as otherwise provided by this chapter, any decree or order of
15 the court may be modified at any time.

16 (b) At any time during supervision of a child the court
17 may issue notice or other appropriate process to the child if
18 the child is of sufficient age to understand the nature of the
19 process, to the parents, and to any other necessary parties to
20 appear at a hearing on a charge of violation of the terms of
21 supervision, for any change in or modification of the decree or



1 for discharge. The provisions of this chapter relating to
2 process, custody, and detention at other stages of the
3 proceeding shall be applicable.

4 (c) A parent, guardian, custodian, or next friend of any
5 child whose status has been adjudicated by the court, or any
6 adult affected by a decree of the court, at any time may
7 petition the court for a rehearing on the ground that new
8 evidence, [~~which~~] that was not known or not available through
9 the exercise of due diligence at the time of the original
10 hearing and [~~which~~] that might affect the decree, has been
11 discovered. Upon a satisfactory showing of this evidence, the
12 court shall order a new hearing and make any disposition of the
13 case that the facts and the best interests of the child warrant.

14 (d) A parent, guardian, or next friend of a child whose
15 legal custody has been transferred by the court to an
16 institution, facility, agency, or person may petition the court
17 for modification or revocation of the decree, on the ground that
18 the legal custodian has wrongfully denied application for the
19 release of the child or has failed to act upon it within a
20 reasonable time, or has acted in an arbitrary manner not
21 consistent with the welfare of the child or the public interest.



1 An institution, facility, agency, or person vested with legal
2 custody of a child may petition the court for a renewal,
3 modification, or revocation of the custody order on the ground
4 that the change is necessary for the welfare of the child or in
5 the public interest. The court may dismiss the petition if on
6 preliminary investigation it finds the petition without
7 substance. If the court is of the opinion that the decree
8 should be reviewed, it shall conduct a hearing on notice to all
9 parties concerned, and may enter an order continuing, modifying,
10 or terminating the decree.

11 (e) Notwithstanding the foregoing provisions of this
12 section the court's authority with respect to the review,
13 rehearing, renewal, modification, or revocation of decrees,
14 judgments, or orders entered in the hereinbelow listed classes
15 of proceedings shall be limited by any specific limitations set
16 forth in the statutes governing these proceedings or in any
17 other specifically applicable statutes or rules. These
18 proceedings are as follows:

19 ~~[(1) Annulment, divorce, separation, and other proceedings~~
20 ~~under chapter 580;~~

21 ~~(2) Adoption proceedings under chapter 578;~~



- 1 ~~(3) Paternity proceedings under chapter 584;~~
 2 ~~(4)]~~ (1) Termination of parental rights proceedings under
 3 this chapter; ~~and~~
 4 ~~(5)]~~ (2) State hospital commitment proceedings under
 5 chapter 334~~[-]~~;
 6 (3) Adoption proceedings under chapter 578;
 7 (4) Annulment, divorce, separation, and other proceedings
 8 under chapter 580; and
 9 (5) Parentage proceedings under chapter .

10 A decree, judgment, or order committing a child to the care
 11 of the director of human services shall be reviewable under this
 12 section at the instance of others other than duly authorized
 13 representatives of the department only after a lapse of thirty
 14 days following the date of the decree, judgment, or order, and
 15 thereafter only at intervals of ~~not~~ no less than one year.

16 (g) Notwithstanding this section, the court shall not
 17 conduct a rehearing of any petition, filed under section 571-
 18 11(1), ~~which,~~ that, following a hearing, has been denied or
 19 dismissed."

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



1 "**§571-52.6 Child support order, judgment, or decree;**
2 **accident and health or sickness insurance coverage.** Each order,
3 judgment, or decree under this chapter or chapter 576B, 580, or
4 [584] ___ ordering a person to pay child support shall include
5 the following provisions:

6 (1) Both the obligor and the obligee are required to file
7 with the state case registry, through the child
8 support enforcement agency, upon entry of the child
9 support order and to update as appropriate,
10 information on the identity and location of the party,
11 including social security number, residential and
12 mailing addresses, telephone number, driver's license
13 number if different from social security number, and
14 name, address, and telephone number of the party's
15 employer; and
16 (2) The liability of that person for accident and health
17 or sickness insurance coverage when available at
18 reasonable cost."

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



1 "(a) The court shall maintain records of all cases brought
2 before it. Except as provided in sections 571-84.6 and [~~584-~~
3 ~~20.57~~] -509, in proceedings under section 571-11 and in
4 [~~paternity~~] parentage proceedings under chapter [~~5847~~] , the
5 following records shall be withheld from public inspection: the
6 court docket, petitions, complaints, motions, and other papers
7 filed in any case; transcripts of testimony taken by the court;
8 and findings, judgments, orders, decrees, and other papers other
9 than social records filed in proceedings before the court. The
10 records other than social records shall be open to inspection:
11 by the parties and their attorneys, by an institution or agency
12 to which custody of a minor has been transferred, and by an
13 individual who has been appointed guardian; with consent of the
14 judge, by persons having a legitimate interest in the
15 proceedings from the standpoint of the welfare of the minor;
16 and, pursuant to order of the court or the rules of court, by
17 persons conducting pertinent research studies, and by persons,
18 institutions, and agencies having a legitimate interest in the
19 protection, welfare, treatment, or disposition of the minor."

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



1 "**§571-84.5 Support order, decree, judgment, or**
2 **acknowledgment; social security number.** The social security
3 number of any individual who is a party to a divorce decree, or
4 subject to a support order or [~~paternity~~] parentage
5 determination, or has made an acknowledgment of [~~paternity~~]
6 parentage issued under this chapter or chapter 576B, 580, or
7 [584] ___ shall be placed in the records relating to the
8 matter."

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

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

- 13 (1) Cases arising under chapters 346, part X, and
14 [+]587A[+] ~~and 346, part X~~:
- 15 (A) Predisposition \$3,000;
- 16 (B) Postdisposition review hearing \$1,000;
- 17 (2) Cases arising under chapters 560, 571, 580, and
18 [584] ___ \$3,000.

19 Payments in excess of any maximum provided for under
20 paragraphs (1) and (2) may be made whenever the court in which
21 the representation was rendered certifies, based upon

1 representations of extraordinary circumstances, attested to by
2 the applicant, that the amount of the excess payment is
3 necessary to provide fair compensation in light of those
4 circumstances, and the payment is approved by the administrative
5 judge of that court."

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

8 "**§571-92 Application.** This part shall only apply to
9 actions under chapters 580 and [~~584.~~] _____. Nothing in this part
10 shall supersede any provision of any existing state or federal
11 law. The provisions in this part shall be interpreted
12 consistently with other relevant laws and the standard of "best
13 interest of the child" shall remain paramount."

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

16 "**§574-3 Children born to parents not married to each
17 other.** The registrar of births shall register any child born to
18 parents not married to each other at the time of the child's
19 birth and where either the natural parents have not married each
20 other or where the [~~parent and child~~] parent-child relationship



1 has not been established pursuant to chapter [584,] ____, as
2 having both a family name and given name chosen by the mother."

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

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

- 8 (1) A presumed [~~father~~] parent of the child;
- 9 (2) Petitioning to have [~~paternity~~] parentage adjudicated;
- 10 (3) Identified as the [~~father~~] parent of the child through
11 genetic testing;
- 12 (4) An alleged [~~father~~] parent who has declined to submit
13 to genetic testing;
- 14 (5) Shown by clear and convincing evidence to be the
15 [~~father~~] parent of the child;
- 16 (6) An acknowledged [~~father~~] parent as provided by section
17 [584-3.5,] ____-403;
- 18 (7) The [~~mother-of~~] individual who gave birth to the
19 child; or



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

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

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

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

11 "**§576E-2 Attorney general; powers.** Notwithstanding any
12 other law to the contrary, the attorney general, through the
13 agency and the office, shall have concurrent jurisdiction with
14 the court in all proceedings in which a support obligation is
15 established, modified, or enforced, including but not limited to
16 proceedings under chapters 571, 576B, 580, [~~584, and 576B.~~]
17 and _____. The attorney general, through the agency and the
18 office, may establish, modify, suspend, terminate, and enforce
19 child support obligations and collect or enforce spousal support
20 using the administrative process provided in this chapter on all
21 cases for which the department has a responsibility under Title



1 IV-D of the Social Security Act, including but not limited to
2 welfare and nonwelfare cases in which the responsible parent is
3 subject to the department's jurisdiction, regardless of the
4 residence of the children for whom support is sought. These
5 powers shall include but not be limited to the power to:

6 (1) Conduct investigations into the ability of parties to
7 pay support and into nonpayment of support;

8 (2) Administer oaths, issue subpoenas, and require
9 production of books, accounts, documents, and
10 evidence;

11 (3) Establish, modify, suspend, terminate, or enforce a
12 child support order and to collect or enforce a
13 spousal support order in conjunction with a child
14 support order;

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

19 (5) Establish arrearage;



- 1 (6) Establish an order for child support for periods
2 [~~which~~] that public assistance was provided to the
3 child or children by the department of human services;
- 4 (7) Order and enforce assignment of future income under
5 [~~section~~] sections 576D-14 and 576E-16[~~7~~] and chapter
6 571[~~, and section 576D-14~~];
- 7 (8) Exercise the powers and authority described in this
8 section, notwithstanding the existence of a prior
9 court or administrative order of support issued by
10 another state or foreign jurisdiction, except as
11 modified or limited by this chapter;
- 12 (9) Determine that an obligor owes past-due support with
13 respect to a child receiving assistance under a state
14 program funded under Title IV-A of the Social Security
15 Act, including Aid to Families with Dependent Children
16 and Temporary Assistance to Needy Families and
17 petition the court to issue an order that requires the
18 obligor to pay such support in accordance with a plan
19 approved by the court or, if the obligor is subject to
20 such a plan and is not incapacitated, participate in
21 work activities, as defined in title 42 [~~U.S.C.~~]



1 ~~§607(d),~~ United States Code section 607(d), as the
2 court deems appropriate;

3 (10) Order genetic testing pursuant to chapter
4 ~~[584]~~ for the purpose of establishing ~~[paternity,~~
5 parentage with payment of costs to be made by the
6 agency, subject to recoupment by the State from ~~[the~~
7 ~~father or the mother,~~ a parent, if appropriate, if
8 ~~[paternity]~~ parentage is established, and to also
9 order additional testing in any case if an original
10 test result is contested, upon request and advance
11 payment by the contestant;

12 (11) Exercise the powers and authority described in this
13 section, notwithstanding the existence of a prior
14 court or administrative order of support issued by
15 another state or foreign jurisdiction, except as
16 modified or limited by this chapter and chapter 576B;
17 and

18 (12) Delegate the powers and authority described in this
19 section to hearings officers and employees of the
20 agency."



1 SECTION 20. Section 580-47, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Upon granting a divorce, or thereafter if, in
4 addition to the powers granted in subsections (c) and (d),
5 jurisdiction of those matters is reserved under the decree by
6 agreement of both parties or by order of court after finding
7 that good cause exists, the court may make any further orders as
8 shall appear just and equitable (1) compelling the parties or
9 either of them to provide for the support, maintenance, and
10 education of the children of the parties; (2) compelling either
11 party to provide for the support and maintenance of the other
12 party; (3) finally dividing and distributing the estate of the
13 parties, real, personal, or mixed, whether community, joint, or
14 separate; and (4) allocating, as between the parties, the
15 responsibility for the payment of the debts of the parties
16 whether community, joint, or separate, and the attorney's fees,
17 costs, and expenses incurred by each party by reason of the
18 divorce. In making these further orders, the court shall take
19 into consideration: the respective merits of the parties, the
20 relative abilities of the parties, the condition in which each
21 party will be left by the divorce, the burdens imposed upon



1 either party for the benefit of the children of the parties, the
2 concealment of or failure to disclose income or an asset, or
3 violation of a restraining order issued under section 580-10(a)
4 or (b), if any, by either party, and all other circumstances of
5 the case. In establishing the amounts of child support, the
6 court shall use the guidelines established under section 576D-7.
7 Provision may be made for the support, maintenance, and
8 education of an adult or minor child and for the support,
9 maintenance, and education of an incompetent adult child
10 regardless of whether [~~or not~~] the petition is made before or
11 after the child has attained the age of majority. In those
12 cases where child support payments are to continue due to the
13 adult child's pursuance of education, the agency, at least three
14 months [~~prior to~~] before the adult child's nineteenth birthday,
15 shall send notice by regular mail to the adult child and the
16 custodial parent that prospective child support will be
17 suspended unless proof is provided by the custodial parent or
18 adult child to the child support enforcement agency, [~~prior to~~]
19 before the child's nineteenth birthday, that the child is
20 presently enrolled as a full-time student in school or has been
21 accepted into and plans to attend as a full-time student for the



1 next semester a post-high school university, college, or
2 vocational school. If the custodial parent or adult child fails
3 to do so, prospective child support payments may be
4 automatically suspended by the child support enforcement agency,
5 hearings officer, or court upon the child reaching the age of
6 nineteen years. In addition, if applicable, the child support
7 enforcement agency, hearings officer, or court may issue an
8 order terminating existing assignments against the responsible
9 parent's income and income assignment orders.

10 In addition to any other relevant factors considered, the
11 court, in ordering spousal support and maintenance, shall
12 consider the following factors:

- 13 (1) Financial resources of the parties;
- 14 (2) Ability of the party seeking support and maintenance
15 to meet [~~his or her~~] the party's needs independently;
- 16 (3) Duration of the marriage;
- 17 (4) Standard of living established during the marriage;
- 18 (5) Age of the parties;
- 19 (6) Physical and emotional condition of the parties;
- 20 (7) Usual occupation of the parties during the marriage;



- 1 (8) Vocational skills and employability of the party
2 seeking support and maintenance;
- 3 (9) Needs of the parties;
- 4 (10) Custodial and child support responsibilities;
- 5 (11) Ability of the party from whom support and maintenance
6 is sought to meet [~~his or her~~] the party's own needs
7 while meeting the needs of the party seeking support
8 and maintenance;
- 9 (12) Other factors [~~which~~] that measure the financial
10 condition in which the parties will be left as the
11 result of the action under which the determination of
12 maintenance is made; and
- 13 (13) Probable duration of the need of the party seeking
14 support and maintenance.

15 The court may order support and maintenance to a party for
16 an indefinite period or until further order of the court;
17 provided that in the event the court determines that support and
18 maintenance shall be ordered for a specific duration wholly or
19 partly based on competent evidence as to the amount of time
20 [~~which~~] that will be required for the party seeking support and
21 maintenance to secure adequate training, education, skills, or



1 other qualifications necessary to qualify for appropriate
 2 employment, whether intended to qualify the party for a new
 3 occupation, update or expand existing qualification, or
 4 otherwise enable or enhance the employability of the party, the
 5 court shall order support and maintenance for a period
 6 sufficient to allow completion of the training, education,
 7 skills, or other activity, and shall allow, in addition,
 8 sufficient time for the party to secure appropriate employment."

9 SECTION 21. Section 607-5, Hawaii Revised Statutes, is
 10 amended by amending subsection (b) to read as follows:

11 "(b) **PART I**

12 Action or proceeding, general:

- 13 (1) Civil action or special proceeding, unless
- 14 another item in part I applies.....\$200
- 15 (1a) Petition for conversion of nonjudicial
- 16 foreclosure to judicial foreclosure.....\$250
- 17 (2) Appeal to a circuit court.....\$100
- 18 (3) Transfer of action to circuit court from district
- 19 court, in addition to district court fees.....\$125

20 Trusts:



- 1 (4) Proceeding for (A) appointment of trustee; (B)
- 2 appointment of successor; (C) resignation of
- 3 trustee; (D) instructions; (E) approval of
- 4 investment; (F) approval of sale, mortgage,
- 5 lease, or other disposition of property; (G)
- 6 approval of compromise of claim, for each such
- 7 matter.....\$100
- 8 (5) Proceeding for (A) removal of trustee; (B) order
- 9 requiring accounting; (C) invalidation of action
- 10 taken by trustee; (D) termination of trust, for
- 11 each such matter.....\$100
- 12 (6) Accounting, this fee to be paid for each account
- 13 filed and to include the settlement of the
- 14 account.....\$10
- 15 (7) Vesting order.....no charge under part I
- 16 (8) Allowance of fees of trustees, attorneys, or
- 17 other fees for services incurred in a
- 18 proceeding for which a fee has been paid
- 19 under this section.....no charge under part I
- 20 (8a) Registration of a trust, or release of
- 21 registration, under chapter 560.....\$3



1 (9) Any other proceeding relating to a trust.....\$15

2 Conservatorship:

3 (10) Proceeding for (A) appointment; (B) appointment
4 of successor; (C) resignation; (D) instructions,
5 unless included in one of the foregoing
6 proceedings; (E), (F), (G) approval of any matter
7 listed in (E), (F), or (G) of item (4) in
8 relation to a trust, for each such matter.....\$100

9 (11) Proceeding of the nature listed in (A), (B), (C),
10 or (D) of item (5) in relation to a trust, for
11 each such matter.....\$15

12 (12) Accounting, same as provided by item (6) in
13 relation to a trust.....\$10

14 (13) Any other proceeding relating to a
15 conservatorship.....no charge under part I

16 Guardianship:

17 (13a) Guardianship, including all matters of the nature
18 listed in items (4) to (9), whether in family or
19 circuit court\$100



1 Probate (decedents' estates). These fees include all matters of
2 the nature listed in items (4) to (9), without additional
3 charge:

4 (14) Probate, administration, domiciliary foreign
5 personal representative, or ancillary
6 administration, this fee to be paid once only for
7 each decedent's estate.....\$100

8 Family court cases:

9 (15) Matrimonial action (annulment, divorce,
10 separation, or separate maintenance).....\$100

11 (16) Adoption.....\$100

12 (17) Guardianship, including all matters of the nature
13 listed in items (4) to (9)....As provided in item [~~13a~~]
14 (13a)

15 (18) Termination of parental rights, except
16 determinations of [~~father and child relationship~~]
17 parent-child relationship pursuant to section
18 [~~584-6~~] -203no charge under part I

19 (19) Determinations of [~~father and child relationship~~]
20 parent-child relationship pursuant to section
21 [~~584-6~~] -203 [~~\$100~~] \$ _____



1 (20) Any other family court proceeding, except motions
 2 or other pleadings in matrimonial, adoption,
 3 determinations of [~~father and child relationship~~]
 4 parent-child relationship pursuant to section
 5 [~~584-6,~~] _____-203, and guardianship actions, but
 6 including without limitation custody proceedings
 7 even if in the form of an habeas corpus
 8 proceeding.....\$15"

9 SECTION 22. Section 607-5.6, Hawaii Revised Statutes, is
 10 amended by amending subsection (a) to read as follows:

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

20 SECTION 23. Section 634-37, Hawaii Revised Statutes, is
 21 amended to read as follows:



1 "**§634-37 Presumption of notice and service of process in**
2 **child support cases.** Whenever notice and service of process is
3 required for child support enforcement proceedings subsequent to
4 an order issued pursuant to chapter 571, 576B, 576E, 580, or
5 [~~584,~~] , upon a showing that diligent effort has been made to
6 ascertain the location of a party, notice and service of process
7 shall be presumed to be satisfied upon delivery of written
8 notice to the most recent residential or employer address on
9 file with the state case registry pursuant to section 571-52.6."

10 SECTION 24. Chapter 584, Hawaii Revised Statutes, is
11 repealed.

12 SECTION 25. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 26. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 27. This Act shall take effect on June 30, 3000.

18



Report Title:

Judiciary Package; Uniform Parentage Act

Description:

Enacts portions of the Uniform Parentage Act of 2017 to replace the Uniform Parentage Act of 1973. Effective 6/30/3000. (HD2)

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

