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# A BILL FOR AN ACT

RELATING TO ADOPTION.

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

1           SECTION 1. The legislature finds that the effect of  
2 adoption as provided for under state law impacts the ability for  
3 an adopted individual or the individual's natural family to  
4 succeed to a homestead lease or application on the department of  
5 Hawaiian home lands applicant waiting list. The purpose of this  
6 Act is to allow an adopted individual to benefit both by  
7 relationship through a natural parent and through an adoptive  
8 parent while also allowing the adopted individual and member of  
9 the individual's natural family to continue to have the same  
10 familial relationship. This Act does not affect other  
11 requirements under the Hawaiian Homes Commission Act, 1920, as  
12 amended, or administrative rules beyond the recognition of a  
13 relationship between individuals. This Act does not create any  
14 further exception to the complete termination of a natural  
15 parent's rights.

16           SECTION 2. Section 578-16, Hawaii Revised Statutes, is  
17 amended to read as follows:



1           "§578-16 Effect of adoption. (a) A legally adopted  
2 individual shall be considered to be a natural child of the  
3 whole blood of the adopting parent or parents as provided in the  
4 Uniform Probate Code, relating to the descent of property.

5           (b) The former legal parent or parents of an adopted  
6 individual and any other former legal kindred shall not be  
7 considered to be related to the individual as provided in the  
8 Uniform Probate Code except as provided in this section.

9           (c) An adopted individual and the individual's adopting  
10 parent or parents shall sustain towards each other the legal  
11 relationship of parents and child and shall have all the rights  
12 and be subject to all the duties of that relationship, including  
13 the rights of inheritance from and through each other and the  
14 legal kindred of the adoptive parent or parents, the same as if  
15 the individual were the natural child of the adopting parent or  
16 parents.

17           (d) Except as provided in subsection (e), all legal duties  
18 and rights between the individual and the individual's former  
19 legal parent or parents shall cease from the time of the  
20 adoption; provided that, if the individual is adopted by a  
21 person married to a legal parent of the individual, the full



1 reciprocal rights and duties [~~which~~] that theretofore existed  
2 between the legal parent and the individual, and the rights of  
3 inheritance as between the individual and the legal parent and  
4 the legal relatives of the parent, as provided in chapter 560,  
5 shall continue, notwithstanding the adoption, subject only to  
6 the rights acquired by and the duties imposed upon the adoptive  
7 parents by reason of the adoption.

8 (e) Notwithstanding subsections (b) and (d), if an  
9 individual is adopted before that individual attains the age of  
10 majority and:

11 (1) The individual is adopted by a spouse of a natural  
12 parent of the individual; or

13 (2) The individual is adopted by a natural grandparent,  
14 aunt, uncle, or sibling of the individual or the  
15 spouse of a natural grandparent, aunt, uncle, or  
16 sibling;

17 then for the purposes of interpretation or construction of a  
18 disposition in any will, trust, or other lifetime instrument,  
19 whether executed before or after the order of adoption, and for  
20 purposes of determining heirs at law, the rights of the adopted  
21 individual and the individual's descendants with respect to the



1 individual's natural family shall not be affected by the  
2 adoption, and they shall be included in any determination of  
3 heirs or members of any class, unless specifically excluded by  
4 name or class.

5 (f) An adopted individual, who by reason of subsection (e)  
6 would be a member of two or more designations or classes  
7 pursuant to a single instrument, both by relationship through a  
8 natural parent and through an adoptive parent, shall be entitled  
9 to benefit by membership in only one of these designations or  
10 classes, which shall be the larger share.

11 (g) An adopted person shall be considered as a child of  
12 both the adopted and natural parents for the sole purpose of  
13 determining familial relationships, including the identification  
14 of successors to lessees and conditions of leases under sections  
15 208 and 209 of the Hawaiian Homes Commission Act, 1920, as  
16 amended.

17 [~~g~~] (h) For purposes of this section, if a person has  
18 been adopted more than once, the term "natural parent" includes  
19 an adopting parent by an earlier adoption.

20 [~~h~~] (i) An individual legally adopted under the laws of  
21 any state or territory of the United States or under the laws of



1 any nation shall be accorded the same rights and benefits in all  
2 respects as an individual adopted under this chapter."

3 SECTION 3. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Department of Hawaiian Home Lands; Adoption

**Description:**

Allows an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent in a disposition or other designation as provided for in accordance with the Hawaiian Homes Commission Act, 1920, as amended, or administrative rules. Allows the adopted individual and individual's natural family to continue having the same familial relationship. (SD1)

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

