



## *The Judiciary, State of Hawai‘i*

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

Senate Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Thursday, March 16, 2023 at 10:30 a.m.  
State Capitol, Conference Room 016 & Videoconference

#### VIA ZOOM BY:

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

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**Bill No. and Title:** House Bill No. 384, HD2, Relating to Parentage.

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

#### **Judiciary’s Position:**

The Judiciary strongly supports House Bill No. 384, .HD2, which repeals the existing Uniform Parentage Act (UPA), codified in Hawai‘i Revised Statutes (HRS) Chapter 584, and replaces it with portions of the Uniform Parentage Act of 2017. This bill will ensure the equal treatment of all keiki from both heterosexual and same-sex couples. It also allows for the establishment of a *de facto* parent as a legal parent, which is permitted under existing case law and embraced by our community’s culture.

In 2002, a draft UPA was created by the Uniform Laws Committee, but Hawai‘i did not adopt the 2002 version. Hawai‘i has made some amendments over the years to HRS Chapter 584, including the addition of an “expedited process of paternity” in 1996. In general, however, the statute has not kept up with the changes in the make-up of our families.



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

The language of House Bill No. 384 HD2 was developed in part from the work of the Act 201 task force as well as subsequent work of stakeholders. The portion of the UPA included in House Bill No. 384 HD2 has been generally acceptable by stakeholders and is needed to address the outdated language of HRS Chapter 584.

HD2 amends HD1 (and the original bill) by (SCR No. 1186, March 3, 2023):

- (1) "Changing the fee schedule for family court determinations of a parent-child relationship from \$100 to an unspecified amount"; and
- (2) "Changing the surcharge for parent education for separating parties from \$50 to an unspecified amount."

We respectfully request reinstatement of these amounts (page 85 of HD2, line 21, and page 86, line 14).

If passed, implementation of House Bill No. 384 HD2 will take time to allow for trainings as well as amendment of forms. As such the Judiciary further respectfully requests that the effective date of January 1, 2024 reinstated.

The Judiciary recognizes the concern of some in the community regarding who will be listed on a child's birth certificate, and we understand the benefit of further discussions on that issue. We believe that this discussion could be accomplished through Senate Bill No. 944 SD1, which re-creates the Act 201 task force. If House Bill No. 384 HD2 is passed, the task force could focus just on the remaining issues of assisted reproductive technology, surrogacy, and other related concerns.

There have been many changes to society and the law that make many of the provisions in HRS Chapter 584 obsolete or completely lacking. The language of this bill seeks to ensure the equal treatment of keiki born to all parents so that no keiki are needlessly stigmatized and left



House Bill No. 384 HD2, Relating to Parentage  
Senate Committee on Judiciary  
Thursday, March 16, 2023 at 10:30 a.m.  
Page 3

without the protections and rights that they deserve. The Judiciary strongly supports this measure.

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

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



CATHY BETTS  
DIRECTOR  
KA LUNA HO'OKELE

JOSEPH CAMPOS II  
DEPUTY DIRECTOR  
KA HOPE LUNA HO'OKELE

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

TO: The Honorable Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

FROM: Cathy Betts, Director

SUBJECT: [HB 384 HD2](#) - RELATING TO PARENTAGE.

Hearing: March 16, 2023, 10:30 a.m.  
Conference Room 016, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this Judiciary measure and offers comments. DHS defers to the Judiciary and the Department of the Attorney General.

**PURPOSE:** The measure enacts portions of the Uniform Parentage Act of 2017 to replace the Uniform Parentage Act of 1973. Effective 6/30/3000. (HD2)

The HD1 amended the measure by:

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

- (7) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

The HD2 amended the measure by:

- (1) Changing the fee schedule for family court determinations of a parent-child relationship from \$100 to an unspecified amount; and
- (2) Changing the surcharge for parent education for separating parties from \$50 to an unspecified amount.

DHS appreciates the Judiciary's proposal to update Hawaii's parentage law to address contemporary family structures. DHS supports legislation that protects the rights of same-sex couples, non-binary individuals, and children with more than two parents. The Child Welfare Services Branch (CWSB) provides various prevention and intervention services to reduce or address the impact of child abuse and neglect, including adoption.

CWSB will need time to revise its procedures, update its forms and data system, and provide training for staff and contracted service providers. This time is needed to ensure these enhancements are implemented with quality and that CWSB is supported, staff are trained and better-equipped to work with diverse families and children. The CWSB data system may likely require updating to reflect, amongst other things, non-gendered terms, alleged genetic parent, and defacto parents, and remain aligned with federal reporting requirements. Additionally, CWSB will need to work with contracted service providers and may need to increase contract amounts to provide services for potentially more parents and family members. CWSB will continue to review the proposed measure and consider additional resources that may be required to implement the measure. Therefore, DHS requests an extended effective date to give CWSB the time it needs to successfully implement new procedures and training and make system modifications.

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

**HB-384-HD-2**

Submitted on: 3/13/2023 2:51:24 PM

Testimony for JDC on 3/16/2023 10:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kent	Testifying for Commission to Promote Uniform State Laws	Support	Remotely Via Zoom

Comments:

Aloha,

Thank you for the opportunity to submit testimony on behalf of the Commission to Promote Uniform Legislation in strong **support** of HB 384, HD 2. This act would provide Hawaii with updated procedures for determining the parentage of a child.

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

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

safeguards to ensure that these provisions do not result in unwarranted or unjustified litigation.

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

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

Elizabeth Kent

**HB-384-HD-2**

Submitted on: 3/14/2023 9:03:16 AM

Testimony for JDC on 3/16/2023 10:30:00 AM

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

Comments:

Aloha Senators,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports HB 384 HD 2.

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

Mahalo nui loa,

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



March 14, 2023

Senator Karl Rhoads, Chair  
Senate Committee on Judiciary

**Re: H.B. 384, H.D. 2, Relating to Parentage**

**Hearing: Wednesday, March 16, 2023, 10:30 a.m., Room 016**

Dear Chair Rhoads and Members of the Committee on Judiciary:

Hawaii Women Lawyers (“HWL”) submits **comments** regarding H.B.384, H.D. 2, which proposes to update Hawaii law on parentage, by replacing the Uniform Parentage Act of 1973 with appropriate portions of the Uniform Parentage Act of 2017.

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

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

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

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

**Finally, we would suggest that the better approach may be to turn this measure into the working group as proposed in SB 944, SD1, so that stakeholders can convene to refine this proposal. The task force would continue the work of the original task force form 2021.**

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

March 16, 2023

Sen. Karl Rhoads, Chair  
Sen. Mike Gabbard, Vice Chair  
Senate Judiciary Committee Members

Re: HB 384, HD2 Relating to Parentage  
Opposition to Parts 3 and 4

I am offering my concerns about a Judiciary package bill - HB 384, HD2 - relating to Parentage. This bill proposes, in part, to allow a child's original birth record prepared at a hospital or birthing center to reflect non-genetic partners or spouses, thus conferring parentage via attestation at birth. While this process may expedite parentage claims, essential genetic and medical information is lost when genetic parents, who may not be seeking legal parentage, are not listed on the original birth record. The result will be no official record of one or both genetic parents that can be accessed by the child, nor their legal parents, who will need such information at some point in the child's life.

As a person who was raised in a closed adoption system, my adoptive family experienced adverse emotional and health impacts due to the lack of my genetic and medical history. An adoptee's original birth certificate reflecting genetic parents was sealed and an amended birth certificate was issued to reflect the adoptee's legal parents. Further, the sealed records were not accessible to either the adoptive parents nor the adoptee. These policies were created in the 1940's before we understood the importance of genetics in human development.

Since then, myriad research about genetics has informed more openness in adoption. Most recently in 2016, the Hawaii legislature approved the opening of sealed adoption records to the parties of the adoption, see section 578-15, HRS. Adoption law had also previously been amended in Hawaii to allow the inclusion of genetic parents names on an adoptees' amended birth certificate, see section 578-14, HRS, and to authorize the collection of medical information from genetic parents, see section 578-14.5, HRS.

Adoption has been the legal mechanism for the conferring of parentage to non-genetic parents for decades by allowing the creation of an amended birth certificate once legal parentage is conferred by the Family Court. The provisions of HB 384, HD2 that allow expedited parentage repeat failed policies surrounding sealed records created in the 1940's. In 2023, we cannot plead the same ignorance of genetics, particularly with regard to health care and medical treatments.

I agree with the Judiciary's assertion that there should not be discrimination based on gender in marriage nor adoption, and in fact both state and federal law prohibit such. However, I note that there has been no testimony on this bill to-date from non-genetic parents alleging discrimination because they were required by law to adopt their non-genetic child. Thus, it leads me to ask - what is the problem that the Judiciary or the Uniform Law Commission seeks to resolve with Parts 3 and 4?

My sincere request is that this Committee consider the best interests of the child, and their legal parents, by requiring the collection of the child's complete genetic and medical history on their birth record. And, provide access to this information upon request of the child or their legal parents, similar to existing Hawaii adoption law.

Mahalo for your consideration of my testimony.

Laurel Johnston



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

Respectfully,

Doreen Akamine, RN, MPH

**HB-384-HD-2**

Submitted on: 3/14/2023 2:56:32 PM

Testimony for JDC on 3/16/2023 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Susan Gorman-Chang	Individual	Comments	Written Testimony Only

Comments:

Those who do not have their own biological, medical family history can be at a disadvantage when it comes to their own health and well-being. Having free access to my family history has provided me with the knowledge that my great grandmother, two sisters and two nieces have had breast cancer. This family history provides my health insurer the justification to pay for an MRI of my breasts every year, as I am at high risk of breast cancer due to said family history. My own genetic testing, as my insurer explained, did not reveal BRCA1 or BRCA2 genes; however, it is possible there are other genes, yet to be discovered by the medical establishment, that also cause or make one more vulnerable to developing breast cancer. My family medical history enables me access to more testing and closer scrutiny than I would ever have had, in the absence of such information. Access to this information should not be a privilege; it should be a right. This information, used wisely, can literally save lives.

**HB-384-HD-2**

Submitted on: 3/15/2023 9:28:01 AM

Testimony for JDC on 3/16/2023 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
sally kaye	Individual	Oppose	Written Testimony Only

Comments:

March 15, 2023

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

Re: HB 384, HD1 Relating to Parentage

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I was adopted in 1948 and for most of my life had to answer questions on my medical history (“any history of heart attacks, strokes, breast cancer?”) with “I have no idea.”

Then last year, in October, I had a completely unexpected heart attack. My biggest risk factor? My biological father, whom I never met, had died at 53 of a massive heart attack, not his first.

Had I not been able, after a long and painful search, to find and unseal my adoption records back in 2005, I would never have known this -- but I was able to adjust my post-event treatment accordingly.

Well-intentioned as HB 384 may be in addressing inequality in marriage and parentage to those denied by previous discriminatory laws, it would do so at the expense of keiki who could be denied critical genetic and medical information.

If non-genetic parents are permitted to be listed in lieu of a genetic parent on a child’s hospital birth record and birth certificate there will be no official record of a child’s genetic parents’ history to be accessed when the health and a life may depend on knowing one’s medical history at some later point.

It is critically important that such vital medical information be preserved.

Sally Kaye

Lana`i City, HI 96763



Aloha Chair Rhoads, Vice Chair Gabbard, and Members of Committee on Judiciary

HB 384 HD2 proposes a radical change to state law to not record the actual facts of the birth of a child on the first and probably only certificate of live birth when using this bill's proposed process to determine parentage. This bill proposes to disregard some of that new human life's biological, genetic and family origins and issue ONLY a "certificate of live birth" that reflects the legal parents established through a new parentage procedure.

In contrast, with adoption law, an original birth certificate is to list the facts of the birth of the new human being, and with an adoption, an **amended certificate of live birth lists the legal parents.**

HB 384's proposed lack of recording the facts of the creation of the child, an erasure of parts of their biological and genetic history, does matter in various ways.

Based on the experience of donor-conceived persons and from adoptees who were raised and denied knowing their genetic and biological connections, it is well-demonstrated that **persons have a need to know this fundamental information about themselves – from whom they were created.** The lack of information about their genetic origins can leave people with a void about their ethnicity, family lineage, and family traits. Lack of medical history is a clear disadvantage.

Changing state law to say it doesn't matter to record the facts of birth and only record the new legal parents repeats destructive myths of the past that genetics and access to one's fundamental information don't matter as long as the child has parents.

The **current "certificate of live birth" has not kept pace to a) reflect current family configurations or b) the practice of assisted reproductive technology.**

HB 384's solution to reflecting current family configurations is designed to meet the needs of parents and can create an unintended harm to children affected. The children affected by this bill will have some of their genetic and biological history vanish in official government documents of their certificate of live birth.

**Amendments to this proposed bill – solutions are available that could meet the needs of the children as well as the parents – that is, address the needs of all stakeholders.**

One **amendment that would prevent harm to children is to create an original first certificate of live birth** with the **facts of the birth** – what is known about the biological and genetic parents that reflect the true origins of the new human being. **Then, the process proposed in this bill for the parents to sign parentage documents would then be used to create an amended birth certificate with the child's legal parents. The state would preserve the original truthful document of the facts of birth** and like adoption *could* seal it until the child is 18 or leave it unsealed to be accessed under certain conditions, and **the parents and child would use the new amended "certificate of live birth."** **With this proposed amendment, the state would not**

**be complicit in erasing a child's facts of birth without even keeping a record when they are the official keeper of documents of personhood, identity and life itself: birth, marriage, name change, and death.**

**Children and their families need a way to access this identifying origin information, at the latest, when the child reaches age 18.**

Provisions are needed for the child/family to access this information before age 18 for

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

Having access to one's medical history over time is increasingly important. The self-reported medical history that may accompany a gamete is a snapshot in time of a young donor, that is not verified by medical or mental health records, and is not a substitute for an ongoing medical history as the donor ages or is more aware of the health history of their family.

**Please amend this proposed bill**

- a) to preserve the facts of birth on a first certificate of live birth and then**
- b) create an amended birth certificate to document the legal parents – thus meeting the needs of all stakeholders.**

Thank you very much for the opportunity to present testimony in opposition to this bill as currently written. Some **organizations for the donor-conceived** and **other resources** follow.

Respectfully,  
Kat McGlone

## **Organizations that support the donor-conceived**

### **Donor Sibling Registry**

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

<https://donorsiblingregistry.com/>

### **We are donor conceived**

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

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

### **U. S. Donor Conceived Council**

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

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

### **donor conceived community**

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

<https://donorconceivedcommunity.org/about>

### **Other resources:**

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

[https://www.youtube.com/playlist?list=PL3PTiHF4egBG2KaSTYLDZUpIY\\_f1-BYy2](https://www.youtube.com/playlist?list=PL3PTiHF4egBG2KaSTYLDZUpIY_f1-BYy2)

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

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

[https://scholarworks.law.ubalt.edu/fac\\_articles/5](https://scholarworks.law.ubalt.edu/fac_articles/5)

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

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

[https://www.researchgate.net/publication/228139419\\_Old\\_Lessons\\_for\\_a\\_New\\_World\\_Applying\\_Adoption\\_Research\\_and\\_Experience\\_to\\_Art](https://www.researchgate.net/publication/228139419_Old_Lessons_for_a_New_World_Applying_Adoption_Research_and_Experience_to_Art)

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

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

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

**HB-384-HD-2**

Submitted on: 3/15/2023 10:34:15 AM

Testimony for JDC on 3/16/2023 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
J. Takane	Individual	Oppose	Written Testimony Only

Comments:

With regards to HB384 HD2- relating to parenting, specifically in reference to Part 3 and 4, seems to allow a child’s original birth record, prepared at the hospital or birthing center to include non-biologically related partners or spouses as if they are the biological parent. Genetics play a huge part in everyone’s lives, from health risks to something as unique as one’s mannerisms. As an adopted person who was denied access to my own heritage, genealogy, genetic health information and knowledge of where I came from, I oppose any bill that seeks to deny this to donor conceived children.

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

If the whole point is to not discriminate based on gender in marriage nor adoption or infertility status, but then to go and actually discriminate against the child by disregarding that they are different biologically from children whose birth parents are their legal parents is the ultimate irony.

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

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

that our legal documents have not caught up to but to whitewash the truth so that the adults don't have to deal with it is not the way to go.

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

**HB-384-HD-2**

Submitted on: 3/15/2023 2:11:26 PM

Testimony for JDC on 3/16/2023 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Darrow Hand	Individual	Support	Written Testimony Only

Comments:

Support with amendments.

Please protect the original of the birth parents. The original birth certificate should include the identifying information of the parents as it normally would - this will facilitate a child's desire to know about their originals at some point in the future. If the child never chooses to look into their origins that their prerogative but at least they have the option if the original birth certificate exists somewhere. Thank you..