
A BILL FOR AN ACT

RELATING TO PARENTAGE.

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

1 SECTION 1. The legislature finds that the State's existing
2 parentage laws need to be updated to include current concepts of
3 families, parenthood, conception, gestation, and parental
4 rights. The legislature further finds that the Uniform
5 Parentage Act of 2017, among other things, ensures the equal
6 treatment of children born to same-gender couples, adds an
7 additional status of functional parent as a legal parent, and
8 includes provisions that reflect developments in surrogacy and
9 assisted reproductive technology.

10 Accordingly, the purpose of this Act is to adopt portions
11 of the Uniform Parentage Act of 2017 to update existing law.

12 SECTION 2. The Hawaii Revised Statutes is amended by
13 adding a new chapter to be appropriately designated and to read
14 as follows:

"CHAPTER

UNIFORM PARENTAGE ACT

PART I. GENERAL PROVISIONS



1

2 § -101 **Short title.** This chapter may be cited as the
3 Uniform Parentage Act.

4 § -102 **Definitions.** As used in this chapter:

5 "Acknowledged parent" means an individual who has
6 established a parent-child relationship under part IV.

7 "Adjudicated genetic parent" means an individual who, after
8 genetic testing, has been adjudicated to be a parent of a child
9 by a court with jurisdiction.

10 "Adjudicated parent" means an individual who has been
11 adjudicated to be a parent of a child by a court with
12 jurisdiction.

13 "Alleged genetic parent" means an individual who is alleged
14 to be, or alleges that the individual is, a genetic parent or
15 possible genetic parent of a child whose parentage has not been
16 adjudicated. The term does not include a presumed parent; an
17 individual whose parental rights have been terminated or
18 declared not to exist; or a donor.

19 "Assisted reproduction" means a method of causing pregnancy
20 other than sexual intercourse. The term includes intrauterine
21 or intracervical insemination, donation of gametes, donation of



1 embryos, in vitro fertilization and transfer of embryos, and
2 intracytoplasmic sperm injection.

3 "Birth" includes, but is not limited to stillbirth.

4 "Birthing center" means any facility, other than a hospital
5 or facility associated with a hospital, that provides maternity
6 services.

7 "Birthing hospital" means any hospital with licensed
8 obstetric-care units, any hospital licensed to provide obstetric
9 services, or any licensed birthing center associated with a
10 hospital.

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

13 "Child support enforcement agency" means the state agency
14 created pursuant to chapter 576D.

15 "Combined relationship index" means the product of all
16 tested relationship indices.

17 "Determination of parentage" means establishment of a
18 parent-child relationship by a judicial or administrative
19 proceeding or signing of a valid acknowledgment of parentage
20 under part IV.



1 "Donor" means an individual who provides gametes or embryos
2 intended for use in assisted reproduction, whether or not for
3 consideration. The term does not include a parent under part
4 VIII, an intended parent under part IX, or an individual who
5 gives birth to a child conceived by assisted reproduction,
6 except as otherwise provided in part IX.

7 "Embryo" means the fertilized product of a sperm and egg,
8 including the zygote stage of early embryo development after
9 fertilization.

10 "Ethnic or racial group" means for the purpose of genetic
11 testing, a recognized group that an individual identifies as the
12 individual's ancestry or part of the individual's ancestry or
13 that is identified by other information.

14 "Fertility clinic" means a medical facility that
15 specializes in diagnosing and treating infertility and the use
16 of assisted reproductive technology.

17 "Functional parent" means an individual who meets the
18 criteria set out in -603(d).

19 "Gamete" means sperm, egg, or any part of a sperm or egg.

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



1 statement by the physician who oversaw the in vitro process by
2 which the embryo was created and transferred.

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

5 "Hypothesized genetic relationship" means an asserted
6 genetic relationship between an individual and a child.

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

8 "Intended parent" means an individual, married or
9 unmarried, who manifests an intent to be legally bound as a
10 parent of a child conceived by assisted reproduction or by
11 entering into a surrogacy agreement.

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

14 "Parentage" or "parent-child relationship" means the legal
15 relationship between a child and a parent of the child.

16 "Presumed parent" means an individual who under
17 section -303 is presumed to be a parent of a child, unless
18 the presumption is overcome in a judicial proceeding, a valid
19 denial of parentage is made under part VI, or a court
20 adjudicates the individual to be a parent.



1 "Probability of parentage" means, for the ethnic or racial
2 group to which an individual alleged to be a parent belongs, the
3 probability that a hypothesized genetic relationship is
4 supported, compared to the probability that a genetic
5 relationship is supported between the child and a random
6 individual of the ethnic or racial group used in the
7 hypothesized genetic relationship, expressed as a percentage
8 incorporating the combined relationship index and a prior
9 probability.

10 "Record" means information that is written or printed, or
11 that is stored in an electronic or other medium and is
12 retrievable in a perceivable form.

13 "Relationship index" means a likelihood ratio that compares
14 the probability of a genetic marker given a hypothesized genetic
15 relationship and the probability of the genetic marker given a
16 genetic relationship between the child and a random individual
17 of the ethnic or racial group used in the hypothesized genetic
18 relationship.

19 "Sign" means, with present intent to authenticate or adopt
20 a record, to execute or adopt a tangible symbol, or to attach or



1 logically associate with the record an electronic symbol, sound,
2 or process.

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

4 "Transfer" means a procedure for assisted reproduction by
5 which an embryo or sperm is placed within the reproductive tract
6 of the individual who will give birth to the child.

7 "Witnessed" means that at least one individual who is
8 authorized to sign has signed a record to verify that the
9 individual personally observed a signatory sign the record.

10 § -103 **Uniformity of application and construction.** This
11 chapter shall be applied and construed to effectuate its general
12 purpose to make uniform the law with respect to the subject of
13 this chapter among states enacting it.

14 **PART II. JURISDICTION**

15 § -201 **Jurisdiction; venue.** (a) Without limiting the
16 jurisdiction of any other court, the family court shall have
17 jurisdiction over an action brought under this chapter, chapter
18 583A, or chapter 576B. The action may be joined with an action
19 for divorce, annulment, separate maintenance, or support.

20 (b) An individual who has sexual intercourse, undergoes or
21 consents to assisted reproductive technology, or consents to an



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

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



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

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

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



1 The publication of general circulation shall be
2 designated by the court in the order for publication
3 of the summons. Notice by publication shall have the
4 same force and effect as the individual having been
5 personally served with the summons; provided that the
6 date of the last publication shall be set not less
7 than twenty-one days before the return date stated in
8 the summons. Proof of service shall be satisfied by
9 an affidavit or declaration by the authorized
10 representative for the publication that the notice was
11 given in the manner prescribed by the court;

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

17 (3) When service by electronic mail or posting to a social
18 networking account is authorized, proof of service
19 shall be satisfied by an affidavit or declaration by
20 the process server that the notice was given in the
21 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, or any parent, alleged genetic parent,
8 functional parent, or presumed parent resides or is
9 found;

10 (2) The child was born;

11 (3) Proceedings for probate of the parent's estate have
12 been or could be commenced, if a parent is deceased;
13 or

14 (4) Assisted reproductive technology was performed, or as
15 specified in an assisted reproduction or surrogacy
16 agreement, if any.

17 § -202 **Parentage determinations from other states and**
18 **territories.** Parentage determinations from other states and
19 territories, whether established through voluntary
20 acknowledgement or through administrative or judicial processes,
21 shall be treated the same as a parentage adjudication in this



1 State. A determination addressing parentage only in another
2 state shall not preclude a court in this State from addressing
3 other related issues.

4 § -203 Who may bring action; when action may be brought;

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

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

16 (A) Within thirty days after the date of the child's
17 birth in any case when a parent relinquishes the
18 child for adoption during the thirty-day period;
19 or

20 (B) Any time before the date of execution by a parent
21 of a valid consent to the child's adoption, or



1 before placement of the child with adoptive
2 parents;

3 (2) If the child has not become the subject of an adoption
4 proceeding, within three years after the child reaches
5 the age of majority or any time after that for good
6 cause; provided that any period of time during which
7 the individual whose parentage is to be adjudicated is
8 absent from the State or is openly cohabitating with a
9 parent of the child or is contributing to the support
10 of the child, shall not be computed;

11 (3) This section shall not extend the time within which a
12 right of inheritance or a right to a succession may be
13 asserted beyond the time otherwise provided by law
14 relating to distribution and closing of decedents'
15 estates or to the determination of heirship; and

16 (4) A personal representative for purposes of this section
17 may be appointed by the court upon a filing of an ex
18 parte motion by one of the parties entitled to file a
19 parentage action. Probate requirements need not be
20 met. Appointment of a personal representative in this



1 section is limited to representation in proceedings
2 under this chapter.

3 (b) When an action is brought under this section, process
4 shall issue in the form of a summons and an order directed to
5 the individual whose parentage of the child is to be
6 adjudicated, requiring each party to appear and to show cause
7 why the action should not be brought. The court, in its
8 discretion, may waive a hearing on an uncontested parentage
9 complaint submitted by an individual who gave birth to a child,
10 an alleged genetic parent of the child, a presumed parent of the
11 child, or a functional parent of the child with proof provided
12 by affidavit.

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



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

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

20 (c) Regardless of its terms, an agreement, other than an
21 agreement approved by the court in accordance with



1 section -502(a)(2), between a parent and the individual whose
2 parentage of the child is to be adjudicated shall not bar an
3 action under this section.

4 (d) Except as otherwise provided in section -910, if an
5 action under this section is brought before the birth of the
6 child, all proceedings shall be stayed until after the birth
7 except service of process and the taking of depositions to
8 perpetuate testimony.

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



1 court, after receiving evidence, may also enter a finding of
2 non-parentage of the spouse.

3 (f) With respect to a child who was not conceived through
4 assisted reproduction, where a married individual has not had
5 sexual contact with the married individual's spouse nor resided
6 in the same house with the spouse for at least three hundred
7 days before the birth of the child, and the biological parent is
8 known, parentage in the married spouse may be disestablished by
9 submission of affidavits of both spouses and the biological
10 parent stating the name and birthdate of the child and
11 acknowledgement that the spouse is not the parent and that the
12 biological parent should be adjudicated as the legal parent.

13 **§ -204 Representation of child; action if public**
14 **assistance moneys are paid; child support enforcement agency.**

15 The child may be made a party to the action and may be
16 represented by the child's general guardian or a guardian ad
17 litem appointed by the court. The child's parent shall not
18 represent the child as guardian or otherwise. Subject to
19 section -203, each individual presumed to be a parent under
20 section -303 and the child support enforcement agency, if
21 public moneys are or have been paid for the support of the



1 subject child, shall be made parties, or, if not subject to the
2 jurisdiction of the court, shall be given notice of the action
3 in a manner prescribed by the court and an opportunity to be
4 heard.

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

6 § -301 **Establishment of parent-child relationship.** A
7 parent-child relationship is established between an individual
8 and a child if:

- 9 (1) The individual gives birth to the child, except as
10 otherwise provided in part IX;
- 11 (2) There is a presumption under section -303 of the
12 individual's parentage of the child, unless the
13 presumption is overcome in a judicial proceeding or a
14 valid denial of parentage is made under part VI;
- 15 (3) The individual is adjudicated a parent of the child
16 under part V;
- 17 (4) The individual adopts the child;
- 18 (5) The individual acknowledges parentage of the child
19 under part IV, unless the acknowledgment is rescinded
20 under section -403(f) or successfully challenged
21 under part IV or V;



1 (6) The individual's parentage of the child is established
2 under part VIII; or

3 (7) The individual's parentage of the child is established
4 under part IX.

5 § -302 **Relationship not dependent on marriage.** A
6 parent-child relationship extends equally to every child and
7 parent, regardless of the marital status of the parent.

8 § -303 **Presumption of parentage.** (a) An individual is
9 presumed to be a parent of a child if:

10 (1) Except as otherwise provided under part IX or the law
11 of this State other than this chapter:

12 (A) The prospective presumed parent and the
13 individual who gave birth to the child are
14 married to each other and the child is born
15 during the marriage, regardless of whether the
16 marriage is or could be declared invalid and
17 regardless of the gender of the two individuals;

18 (B) The prospective presumed parent and the
19 individual who gave birth to the child were
20 married to each other and the child is born no
21 later than three hundred days after the marriage



1 is terminated by death, divorce, annulment, or
 2 after a decree of separation, regardless of
 3 whether the marriage is or could be declared
 4 invalid; or

5 (C) The prospective presumed parent and the
 6 individual who gave birth to the child married
 7 each other after the birth of the child,
 8 regardless of whether the marriage is or could be
 9 declared invalid, the prospective presumed parent
 10 at any time asserted parentage of the child, and:

11 (i) The assertion is in an acknowledgment of
 12 parentage as defined in part IV that is
 13 filed with the department of health; or

14 (ii) The prospective presumed parent agreed to be
 15 and is named as a parent of the child on the
 16 birth certificate of the child;

17 (2) The individual resided in the same household with the
 18 child before the child reaching the age of majority,
 19 and openly held out the child as the individual's
 20 child; or



1 (3) Pursuant to section -702, the prospective presumed
 2 parent submits to court-ordered genetic testing and
 3 the results, as stated in a report prepared by the
 4 testing laboratory, do not exclude the possibility of
 5 the prospective presumed parent's parentage of the
 6 child; provided that the results of the testing
 7 disclose the individual has at least a ninety-nine per
 8 cent probability of parentage, using a prior
 9 probability of .50 as calculated by using the combined
 10 relationship index obtained in the testing, and a
 11 combined relationship index of at least one hundred to
 12 one.

13 (b) A presumption of parentage under this section may be
 14 overcome, and competing claims to parentage may be resolved,
 15 only by an adjudication under part V or VI or a valid denial of
 16 parentage under part VI.

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

18 § -401 **Acknowledgment of parentage.** An individual who
 19 gave birth to a child and an alleged genetic parent of the
 20 child, intended parent under part VIII, or functional parent may



1 sign an acknowledgment of parentage to establish the parentage
2 of the child.

3 § -402 Execution of acknowledgement of parentage. (a)

4 An acknowledgment of parentage under section -401 shall:

5 (1) Be in a record signed by the individual who gave birth
6 to the child and by the other individual seeking to
7 establish a parent-child relationship; provided that
8 the signatures shall be attested by a notarial officer
9 or witnessed;

10 (2) State that the child whose parentage is being
11 acknowledged:

12 (A) Does not have a presumed parent other than the
13 individual seeking to establish the parent-child
14 relationship; and

15 (B) Does not have another acknowledged parent or
16 adjudicated parent, or individual who is a parent
17 of the child under part VIII or IX other than the
18 individual who gave birth to the child; and

19 (3) State that the signatories understand that the
20 acknowledgment is the equivalent of an adjudication of
21 parentage of the child and that a challenge to the



1 acknowledgment is permitted only under limited
2 circumstances and is barred two years after the
3 effective date of the acknowledgment.

4 (b) An acknowledgment of parentage shall be void if, at
5 the time of signing:

6 (1) An individual other than the individual seeking to
7 establish parentage is a presumed parent; or

8 (2) An individual, other than the individual who gave
9 birth to the child or the individual seeking to
10 establish parentage, is an acknowledged or adjudicated
11 parent or a parent under part VIII or IX.

12 § -403 **Expedited process of parentage.** (a) To expedite
13 the establishment of parentage, each public or private birthing
14 hospital or birthing center, the child support enforcement
15 agency, midwives, and the department of health shall provide
16 parents the opportunity to voluntarily acknowledge the parentage
17 of a child during the period immediately before or following the
18 child's birth; provided that an individual who is a presumed
19 parent under section -303(a)(1)(C) or section -303(a)(2)
20 may only submit that individual's voluntary acknowledgment
21 directly to the department of health. The voluntary



1 acknowledgment of parentage shall be in writing and shall
2 consist of a single form signed under oath, by the individual
3 who gave birth to the child, the individual seeking to establish
4 a parent-child relationship, and a witness. The voluntary
5 acknowledgment of parentage form shall include the social
6 security numbers, dates of birth, places of birth, and ethnic
7 backgrounds of each signatory. An electronic version of the
8 voluntary acknowledgement of parentage form may be used.

9 (b) Before the signing of the voluntary acknowledgment of
10 parentage form, designated staff members of a facility at which
11 a voluntary acknowledgment may be submitted shall provide to
12 both the individual who gave birth to the child and the other
13 signatory, if either are present at the facility:

- 14 (1) Written materials regarding parentage establishment;
15 (2) Forms necessary to voluntarily acknowledge parentage;
16 (3) Oral, video, audio, or written descriptions of the
17 alternatives to, the legal consequences of, and the
18 rights and responsibilities of acknowledging
19 parentage, including, if one parent is a minor, any
20 right afforded due to minority status; and



1 (4) The opportunity to speak with staff, either by
2 telephone or in person, who are trained to clarify
3 information and answer questions about parentage
4 establishment.

5 (c) The completed voluntary acknowledgment forms shall
6 clearly identify the name and position of the staff member who
7 provides information to the parents regarding parentage
8 establishment. The provision by designated staff members of the
9 facility of the information required by this section shall not
10 constitute the unauthorized practice of law. Birthing facility
11 staff, midwives, and department of health staff shall not be
12 subject to civil, criminal, or administrative liability for a
13 negligent act or omission relative to the accuracy of the
14 information provided or for filing the declaration with the
15 appropriate state or local agencies. Each facility shall send
16 to the department of health the original acknowledgment of
17 parentage form, or an electronic version, containing the social
18 security numbers, dates of birth, places of birth, and ethnic
19 backgrounds of both signatories, with any other information
20 required by the department of health so that the birth
21 certificate issued includes the names of the signatories. The



1 birth certificate shall be promptly recorded by the department
2 of health.

3 (d) The child support enforcement agency shall:

4 (1) Provide to any individual or facility the necessary:

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

8 (B) Training, guidance, and written instructions
9 regarding voluntary acknowledgment of parentage;

10 (2) Annually assess each facility's parentage
11 establishment program; and

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

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

19 (f) The signed voluntary acknowledgment of parentage shall
20 constitute a legal finding of parentage, subject to the right of
21 any signatory to rescind the acknowledgment:



1 (1) Within sixty days of signature; or
2 (2) Before the date of an administrative or judicial
3 proceeding relating to the child, including a
4 proceeding to establish a support order to which the
5 signatory is a party,
6 whichever is sooner.

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

15 (h) The courts and office of child support hearings of
16 this State shall give full faith and credit to affidavits for
17 the voluntary acknowledgment of parentage signed in any other
18 state and made in compliance with the law of that state, and
19 these affidavits shall constitute legal findings of parentage
20 subject to subsections (f) and (g).



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

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

8 § -501 **Pretrial hearings.** (a) As soon as practicable
9 after an action to declare the existence or nonexistence of a
10 parent-child relationship has been brought, an informal hearing
11 shall be held. The public shall be barred from the hearing. A
12 record of the proceeding or any portion thereof shall be kept if
13 any party requests, or the court orders. Rules of evidence need
14 not be observed.

15 (b) The court, in its discretion, may waive a hearing on
16 an uncontested parentage complaint submitted by an individual
17 who gave birth to a child, an alleged genetic parent of the
18 child, a presumed parent of the child, or a functional parent of
19 the child with proof provided by affidavit.

20 § -502 **Pretrial recommendations.** (a) On the basis of
21 the information produced at the pretrial hearing held pursuant



1 to section -501, the judge conducting the hearing shall
2 evaluate the probability of determining the existence or
3 nonexistence of the parent-child relationship in a trial and
4 whether a judicial declaration of the relationship would be in
5 the best interest of the child pursuant to section 571-46(b).
6 On the basis of the evaluation, an appropriate recommendation
7 for settlement shall be made to the parties, which may include
8 any of the following:

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



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

7 (3) That the individual whose parentage is to be
8 adjudicated voluntarily acknowledges parentage of the
9 child.

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

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

19 (d) A guardian ad litem appointed for the child may accept
20 or refuse to accept a recommendation under this section.



1 (e) The pretrial hearing may be terminated and the action
2 set for trial if the judge conducting the hearing finds it
3 unlikely that all parties would accept a recommendation the
4 judge may make under subsection (a) or (c).

5 § -503 **Civil action.** (a) An action under this chapter
6 shall be a civil action governed by the Hawaii family court
7 rules or the Hawaii rules of civil procedure. The individual
8 who gave birth to the child and the individual whose parentage
9 is to be adjudicated shall be competent to testify and may be
10 compelled to testify; provided that no criminal prosecution,
11 other than a prosecution for perjury, shall afterwards be
12 commenced against the individual who gave birth to the child or
13 the individual whose parentage is to be adjudicated on account
14 of any transaction, matter, or thing concerning which they may
15 testify or produce evidence under this chapter, documentary or
16 otherwise. Part VII shall apply in any action brought under
17 this chapter.

18 (b) Testimony relating to sexual access to the individual
19 who gave birth to the child by an unidentified person at any
20 time or by an identified person at a time other than the
21 probable time of conception of the child shall be inadmissible



1 in evidence, unless offered by the individual who gave birth to
2 the child.

3 (c) Notwithstanding the limitation on the admission of
4 evidence stated in subsection (b), evidence offered with respect
5 to an individual who is not subject to the jurisdiction of the
6 court concerning sexual intercourse or assisted reproduction
7 with the individual who gave birth to the child at or about the
8 probable time of conception of the child shall be admissible in
9 evidence only if the individual offering the evidence has
10 undergone and made available to the court genetic tests,
11 including genetic tests the results of which do not exclude the
12 possibility of the individual's parentage of the child.

13 § -504 **Judgment or order.** (a) The judgment or order of
14 the court determining the existence or nonexistence of the
15 parent-child relationship shall be determinative for all
16 purposes.

17 (b) If the judgment or order of the court is at variance
18 with the child's birth certificate, the court shall order that a
19 new birth certificate be issued pursuant to section -510.

20 (c) The judgment or order may contain any other provision
21 directed against the appropriate party to the proceeding,



1 concerning the duty of support, the custody and guardianship of
2 the child, visitation privileges with the child, the furnishing
3 of bond or other security for the payment of the judgment, or
4 any other matter in the best interest of the child. Upon
5 neglect or refusal to give this security, or upon default of a
6 parent or a parent's surety in compliance with the terms of the
7 judgment, the court may order the forfeiture of the security and
8 the application of the proceeds thereof toward the payment of
9 any sums due under the terms of the judgment and may also
10 sequester a parent's personal estate, and the rents and profits
11 of a parent's real estate, and may appoint a receiver thereof,
12 and may cause a parent's personal estate, including any
13 salaries, wages, commissions, or other moneys owed to the parent
14 and the rents and profits of the parent's real estate, to be
15 applied toward the meeting of the terms of the judgment, to the
16 extent that the court, from time to time, deems just and
17 reasonable. The judgment or order may direct a parent to pay
18 the reasonable expenses of the pregnancy and birth, including
19 but not limited to medical insurance premiums, such as for
20 MedQuest, that cover the periods of pregnancy and childbirth.
21 The court may further order the noncustodial parent to reimburse



1 the custodial parent, the child, or any public agency for
2 reasonable expenses incurred before entry of judgment, including
3 support, maintenance, education, and funeral expenses expended
4 for the benefit of the child.

5 (d) Support judgments or orders ordinarily shall be for
6 periodic payments that may vary in amount. In the best interest
7 of the child, a lump sum payment or the purchase of an annuity
8 may be ordered in lieu of periodic payments of support. The
9 court may limit the obligor parent's liability for past support
10 of the child to the proportion of the expenses already incurred
11 that the court deems just.

12 (e) In determining the amount to be paid by a parent for
13 support of the child and the period during which the duty of
14 support is owed, a court enforcing the obligation of support
15 shall use the guidelines established under section 576D-7.
16 Provision may be made for the support, maintenance, and
17 education of an adult or minor child and an incompetent adult
18 child, whether or not the petition is made before or after the
19 child has attained the age of majority.

20 (f) Whenever a parent of a child is a minor, unmarried,
21 and not able to provide full support, the court may order one or



1 both parents of the minor to support the child until the minor
2 reaches the age of majority, is otherwise emancipated, or is
3 financially able to fully support the child, whichever occurs
4 first. For the purposes of this subsection:

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

8 (2) The resources, standard of living, and earning ability
9 of the parent or parents of the minor shall be
10 considered under subsection (d) in determining the
11 amount of support; and

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

16 § -505 **Costs.** The court may order reasonable fees of
17 counsel, experts, and the child's guardian ad litem, and other
18 costs of the action and pre-trial proceedings, including genetic
19 tests, subject to section -703, to be paid by the parties in
20 proportions and at times determined by the court.



1 § -506 **Enforcement of judgment or order.** (a) If
2 existence of the parent-child relationship is declared, or
3 parentage or a duty of support has been acknowledged or
4 adjudicated under this chapter or under prior law, the
5 obligation of a parent may be enforced in the same or other
6 proceedings by the other parent, the child, the public authority
7 that has furnished or may furnish the reasonable expenses of
8 pregnancy, childbirth, education, support, or funeral, or by any
9 other individual, including a private agency, to the extent the
10 individual has furnished or is furnishing these expenses.

11 (b) The court may order support payments to be made to a
12 parent or an adult child, or through the child support
13 enforcement agency as its rules permit, or through an
14 individual, corporation, or agency designated to administer
15 support payments for the benefit of the child under the
16 supervision of the court.

17 (c) Willful failure to obey the judgment or order of the
18 court shall be a civil contempt of the court. All remedies for
19 the enforcement of judgments shall apply to this chapter. When
20 a court of competent jurisdiction issues an order compelling a
21 parent to furnish support, including child support, medical



1 support, or other remedial care, for the parent's child, it
2 shall constitute prima facie evidence of a civil contempt of
3 court upon proof that:

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

7 (2) The parent did not comply with the order.

8 An order of civil contempt of court based on prima facie
9 evidence under this subsection shall clearly state that the
10 failure to comply with the order of civil contempt of court may
11 subject the parent to a penalty that may include imprisonment
12 or, if imprisonment is immediately ordered, the conditions that
13 must be met for release from imprisonment. A party may also
14 prove civil contempt of court by means other than prima facie
15 evidence under this subsection.

16 § -507 **Modification of judgment or order.** (a) The
17 court shall have continuing jurisdiction to modify or revoke a
18 judgment or order:

19 (1) For future education and support; and

20 (2) With respect to matters listed in

21 section -504(c), -504(d), and -506(b);



1 provided that a court entering a judgment or order for
2 the payment of a lump sum or the purchase of an
3 annuity under section -504(d) may specify that the
4 judgment or order may not be modified or revoked.

5 (b) In those cases where child support payments are to
6 continue due to the adult child's pursuance of education, the
7 child support enforcement agency, at least three months before
8 the adult child's nineteenth birthday, shall send notice by
9 regular mail to the adult child and the custodial parent that
10 prospective child support will be suspended unless proof is
11 provided by the custodial parent or adult child, to the child
12 support enforcement agency, before the child's nineteenth
13 birthday, that the child is presently enrolled as a full-time
14 student in school or has been accepted into and plans to attend
15 as a full-time student for the next semester a post-high school
16 university, college, or vocational school. If the custodial
17 parent or adult child fails to do so, prospective child support
18 payments may be automatically suspended by the child support
19 enforcement agency, hearings officer, or court. In addition, if
20 applicable, the child support enforcement agency, hearings
21 officer, or court may issue an order terminating existing



1 assignments against the responsible parent's income and income
2 assignment orders.

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

6 § -508 **Hearings and records; confidentiality.** (a)

7 Unless the court orders otherwise, a petition and any other
8 document related to a surrogacy agreement filed with the court
9 under this chapter shall not be open to inspection by any
10 individual other than the parties to the proceeding, a child
11 conceived by assisted reproduction under the agreement, their
12 attorneys, and the department of health. A court shall not
13 authorize an individual to inspect a document related to the
14 agreement, unless required by exigent circumstances. The
15 individual seeking to inspect the document may be required to
16 pay the expense of preparing a copy of the document to be
17 inspected.

18 (b) Upon parentage being established, the confidentiality
19 requirement shall not extend to the judgment and all
20 subsequently filed documents that are used in good faith for
21 support and medical expenses, insurance, or enforcement



1 purposes; provided that the confidentiality requirement shall
2 continue to apply to any references to a non-adjudicated alleged
3 or presumed parent.

4 (c) Subsections (a) and (b) shall only apply to cases
5 under parts VIII and IX and any other case under this chapter
6 filed before January 1, 2021.

7 § -509 **Court filings; minutes of proceedings; posting**
8 **requirement.** The judiciary shall post on its website the titles
9 of all court filings and the minutes of court proceedings in
10 cases brought under this chapter except for actions filed
11 pursuant to part VIII or IX; provided that the judiciary shall
12 redact information that has been made confidential by any
13 statute, rule of court, or court order; provided further that,
14 on request of a party and for good cause, the court may close a
15 proceeding and records to the public; provided further that the
16 titles of all court filings for the case and the contents of a
17 final order shall be available for public inspection, with other
18 papers and records available for public inspection only with the
19 consent of the parties or by court order.

20 § -510 **Birth records.** (a) Upon order of a court of
21 this State or upon request or order of a court of another state,



1 or following acknowledgment as provided in section -401, the
2 department of health shall prepare a new certificate of birth
3 consistent with the findings of the court or in cases of
4 acknowledgment under section -401, consistent with the
5 acknowledgment, and shall substitute the new certificate for the
6 original certificate of birth.

7 (b) The fact that a parent-child relationship was declared
8 or acknowledged after the child's birth shall not be
9 ascertainable from the new certificate, but the actual place and
10 date of birth shall be shown.

11 (c) Unless the court orders otherwise, the evidence upon
12 which the new certificate was made and the original birth
13 certificate shall not be open to inspection by any individual
14 other than the parties to the proceeding, a child conceived by
15 assisted reproduction under the surrogacy agreement, their
16 attorneys, and the department of health. A court shall not
17 authorize an individual to inspect a document related to the
18 agreement, unless required by exigent circumstances. The
19 individual seeking to inspect the document may be required to
20 pay the expense of preparing a copy of the document to be
21 inspected.



1 § **-511 Parentage judgment, acknowledgment, support**
2 **order; social security number.** The social security number of
3 any individual who is subject to a parentage judgment or
4 acknowledgment, or a support order issued under this chapter,
5 shall be placed in the records relating to the matter in
6 compliance with any other court rule or law.

7 § **-512 Filing of acknowledgments and adjudications with**
8 **department of health.** (a) All voluntary acknowledgments and
9 adjudications of parentage by judicial process shall be filed
10 with the department of health for comparison with information in
11 the state case registry established pursuant to section
12 576D-6(a)(12). Filing of the adjudications of parentage shall
13 be the responsibility of the natural parent or individual or
14 agency as the court shall direct.

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

16 § **-601 Adjudicating parentage of child with alleged**
17 **genetic parent.** (a) A proceeding to determine whether an
18 alleged genetic parent who is not a presumed parent is a parent
19 of a child may be commenced:

20 (1) Before the child becomes an adult; or



1 (2) After the child becomes an adult, but only if the
2 child initiates the proceeding.

3 (b) Except as otherwise provided by law, this subsection
4 shall apply in a proceeding described in subsection (a) if the
5 individual who gave birth to the child is the only other
6 individual with a claim to parentage of the child. The court
7 shall adjudicate an alleged genetic parent to be a parent of the
8 child if the alleged genetic parent:

9 (1) Is identified under section -705 as a genetic
10 parent of the child and the identification is not
11 successfully challenged under section -705;

12 (2) Admits parentage in a pleading, when making an
13 appearance, or during a hearing; the court accepts the
14 admission; and the court determines the alleged
15 genetic parent to be a parent of the child;

16 (3) Declines to submit to genetic testing ordered by the
17 court or the child support enforcement agency, in
18 which case the court may adjudicate the alleged
19 genetic parent to be a parent of the child even if the
20 alleged genetic parent denies a genetic relationship
21 with the child;



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

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

8 (c) If in a proceeding involving an alleged genetic parent
9 at least one other individual in addition to the individual who
10 gave birth to the child has a claim to parentage of the child,
11 the court shall adjudicate parentage under section -607,
12 unless a valid denial of parentage is filed in accordance with
13 section -608.

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) Before the child becomes an adult; or

18 (2) After the child becomes an adult, but only if the
19 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
6 as 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
11 to the child is the only other individual with a claim to
12 parentage 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 sections -607(a)
8 and -607(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 -607, unless a valid denial of parentage is
14 filed in accordance with section -608.

15 **§ -603 Adjudicating claim of functional parentage of a**

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

- 18 (1) Is alive when the proceeding is commenced; and
19 (2) Claims to be a functional parent of the child.



1 (b) An individual who claims to be a functional parent of
2 a child shall commence a proceeding to establish parentage of a
3 child under this section:

- 4 (1) Before the child attains eighteen years of age; and
- 5 (2) While the child is alive.

6 (c) The following rules shall govern standing of an
7 individual who claims to be a functional parent of a child to
8 maintain a proceeding under this section:

- 9 (1) The individual shall file an initial verified pleading
10 alleging specific facts that support the claim to
11 parentage of the child asserted under this section.
12 The verified pleading shall be served on all parents
13 and legal guardians of the child and any other party
14 to the proceeding;
- 15 (2) An adverse party, parent, or legal guardian may file a
16 pleading in response to the pleading filed under
17 paragraph (1). A responsive pleading shall be
18 verified and must be served on parties to the
19 proceeding; and
- 20 (3) Unless the court finds a hearing is necessary to
21 determine disputed facts material to the issue of



1 standing, the court shall determine, based on the
2 pleadings under paragraphs (1) and (2), whether the
3 individual has alleged facts sufficient to satisfy by
4 a preponderance of the evidence the requirements of
5 subsection (d). If the court holds a hearing under
6 this subsection, the hearing shall be held on an
7 expedited basis.

8 (d) In a proceeding to adjudicate parentage of an
9 individual who claims to be a functional parent of the child, if
10 there is only one other individual who is a parent or has a
11 claim to parentage of the child, the court shall adjudicate the
12 individual who claims to be a functional parent to be a parent
13 of the child if the individual demonstrates by clear and
14 convincing evidence that:

15 (1) The individual resided with the child as a regular
16 member of the child's household for a significant
17 period;

18 (2) The individual engaged in consistent caretaking of the
19 child;



- 1 (3) The individual undertook full and permanent
- 2 responsibilities of a parent of the child without
- 3 expectation of financial compensation;
- 4 (4) The individual held out the child as the individual's
- 5 child;
- 6 (5) The individual established a bonded and dependent
- 7 relationship with the child which is parental in
- 8 nature;
- 9 (6) Another parent of the child fostered or supported the
- 10 bonded and dependent relationship required under
- 11 paragraph (5); and
- 12 (7) Continuing the relationship between the individual and
- 13 the child is in the best interest of the child.
- 14 (e) Subject to other limitations in this part, if in a
- 15 proceeding to adjudicate parentage of an individual who claims
- 16 to be a functional parent of the child, there is more than one
- 17 other individual who is a parent or has a claim to parentage of
- 18 the child and the court determines that the requirements of
- 19 subsection (d) are satisfied, the court shall adjudicate
- 20 parentage under section -607, unless a valid denial of parentage
- 21 is filed in accordance with section -608.



1 **§ -604 Adjudicating parentage of child with acknowledged**
2 **parent.** (a) If a child has an acknowledged parent, a
3 proceeding to challenge the acknowledgment of parentage, brought
4 by a signatory to the acknowledgment, is governed by
5 section -403(g).

6 (b) If a child has an acknowledged parent, the following
7 rules apply in a proceeding to challenge the acknowledgment of
8 parentage brought by an individual, other than the child, who
9 has standing under section -203 and was not a signatory to
10 the acknowledgment:

11 (1) The individual shall commence the proceeding no later
12 than two years after the effective date of the
13 acknowledgment, unless good cause is shown;

14 (2) The court may permit the proceeding only if the court
15 finds permitting the proceeding is in the best
16 interest of the child pursuant to section 571-46(b);
17 and

18 (3) If the court permits the proceeding, the court shall
19 adjudicate parentage under section -607.

20 **§ -605 Adjudicating parentage of child with adjudicated**
21 **parent.** (a) If a child has an adjudicated parent, a proceeding



1 to challenge the adjudication, brought by an individual who was
2 a party to the adjudication or received notice under
3 section -201, shall be governed by the rules governing a
4 collateral attack on a judgment.

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

10 (1) The individual shall commence the proceeding no later
11 than two years after the effective date of the
12 adjudication, unless good cause is shown;

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

17 (3) If the court permits the proceeding, the court shall
18 adjudicate parentage under section -607.

19 § -606 **Adjudicating parentage of a child of assisted**

20 **reproduction.** (a) An individual who is a parent under part
21 VIII or the individual who gave birth to the child may bring a



1 proceeding to adjudicate parentage. If the court determines the
2 individual is a parent under part VIII, the court shall
3 adjudicate the individual to be a parent of the child.

4 (b) In a proceeding to adjudicate an individual's
5 parentage of a child under this section, if another individual
6 other than the individual who gave birth to the child is a
7 parent under part VIII, the court shall adjudicate the
8 individual's parentage of the child under section -607.

9 § -607 **Adjudicating competing claims of parentage.** (a)

10 Except as otherwise provided by law, in a proceeding to
11 adjudicate competing claims of, or challenges under
12 section -602, -603, -604, or -605 to parentage of a
13 child by two or more individuals, the court shall adjudicate
14 parentage in the best interest of the child, based on:

- 15 (1) The age of the child;
- 16 (2) The length of time during which each individual
17 assumed the role of parent of the child;
- 18 (3) The nature of the relationship between the child and
19 each individual;
- 20 (4) The harm to the child if the relationship between the
21 child and each individual is not recognized;



1 (5) The basis for each individual's claim to parentage of
2 the child; and

3 (6) Other equitable factors arising from the disruption of
4 the relationship between the child and each individual
5 or the likelihood of other harm to the child.

6 (b) If an individual challenges parentage based on the
7 results of genetic testing, in addition to the factors listed in
8 subsection (a), the court shall consider:

9 (1) The facts surrounding the discovery that the
10 individual might not be a genetic parent of the child;
11 and

12 (2) The length of time between the time that the
13 individual was placed on notice that the individual
14 might not be a genetic parent and the commencement of
15 the proceeding.

16 (c) The court may adjudicate a child to have more than two
17 parents under this chapter if the court finds that failure to
18 recognize more than two parents would be detrimental to the
19 child. A finding of detriment to the child shall not require a
20 finding of unfitness of any parent or individual seeking an
21 adjudication of parentage. In determining detriment to the



1 child, the court shall consider all relevant factors, including
2 the harm if the child is removed from a stable placement with an
3 individual who has fulfilled the child's physical needs and
4 psychological needs for care and affection and has assumed the
5 role for a substantial period.

6 § -608 **Denial of Parentage.** A presumed parent or
7 alleged genetic parent may sign a denial of parentage in a
8 record filed with the court. The denial of parentage shall be
9 valid only if:

10 (1) Another individual other than the individual who gave
11 birth to the child agrees to have that other
12 individual's parentage of the child established under
13 this part, and the agreement is in an affidavit filed
14 with the court;

15 (2) The signature of the presumed parent or alleged
16 genetic parent is attested by a notarial officer or
17 witnesses; and

18 (3) The presumed parent or alleged genetic parent has not
19 previously:

20 (A) Completed a valid acknowledgement of parentage,
21 unless the previous acknowledgment was rescinded



1 under section -403(f) or challenged
 2 successfully under section -403(g); or
 3 (B) Been adjudicated to be a parent of the child.

PART VII. GENETIC TESTING

5 § -701 **Scope of part; limitation on use of genetic**
 6 **testing.** (a) This part shall govern genetic testing of an
 7 individual in a proceeding to adjudicate parentage, whether the
 8 individual:

- 9 (1) Voluntarily submits to testing; or
- 10 (2) Is tested under an order of the court or the child
 11 support enforcement agency.
- 12 (b) Genetic testing may not be used:
 - 13 (1) To challenge the parentage of an individual who is a
 14 parent under part VIII or IX; or
 - 15 (2) To establish the parentage of an individual who is a
 16 donor.

17 § -702 **Authority to order or deny genetic testing.** (a)
 18 Except as otherwise provided in this part or part V, in a
 19 proceeding under this chapter to determine parentage, the court
 20 shall order the child and any other individual to submit to



1 genetic testing if a request for testing is supported by the
2 sworn statement of a party:

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

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

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

12 (c) The court or the child support enforcement agency may
13 not order in utero genetic testing.

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

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



1 may order genetic testing of the child and each individual whose
2 genetic parentage of the child is being adjudicated.

3 (f) In a proceeding to adjudicate the parentage of a child
4 having a presumed parent or an individual who claims to be a
5 parent under section -602, or to challenge an acknowledgment
6 of parentage, the court may deny a motion for genetic testing of
7 the child and any other individual after considering the factors
8 in section -607(a) and (b).

9 (g) If an individual requesting genetic testing is barred
10 under section -403(g), -604(b), or -605(b) from
11 establishing the individual's parentage, the court shall deny
12 the request for genetic testing.

13 (h) An order under this section for genetic testing shall
14 be enforceable by contempt.

15 **§ -703 Requirements for genetic testing.** (a) Genetic
16 testing shall be of a type reasonably relied on by experts in
17 the field of genetic testing and performed in a testing
18 laboratory accredited by:

19 (1) The AABB, formerly known as the American Association
20 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 under section -705 does not identify an
19 individual as a genetic parent of a child, the court may require
20 an individual who has been tested to submit to additional
21 genetic testing to identify a genetic parent.



1 § **-704 Report of genetic testing.** (a) In any hearing
2 or trial brought under this chapter, a report of the facts and
3 results of genetic tests ordered by the court under this chapter
4 shall be admissible in evidence by affidavit of the person whose
5 name is signed to the report, attesting to the procedures
6 followed in obtaining the report. A report of the facts and
7 results of genetic tests shall be admissible as evidence of
8 parentage without the need for foundation testimony or other
9 proof of authenticity or accuracy, unless objection is made.

10 (b) Documentation from a testing laboratory of the
11 following information is sufficient to establish a reliable
12 chain of custody and allow the results of genetic testing to be
13 admissible without testimony:

- 14 (1) The name and photograph of each individual whose
15 specimen has been taken;
- 16 (2) The name of the individual who collected each
17 specimen;
- 18 (3) The place and date each specimen was collected;
- 19 (4) The name of the individual who received each specimen
20 in the testing laboratory; and
- 21 (5) The date each specimen was received.



1 (c) An alleged genetic parent or party to the parentage
2 action who objects to the admission of the report concerning the
3 genetic test results shall file a motion no later than twenty
4 days after receiving a copy of the report and shall show good
5 cause as to why a witness is necessary to lay the foundation for
6 the admission of the report as evidence. The court may, sua
7 sponte or at a hearing on the motion, determine whether a
8 witness shall be required to lay the foundation for the
9 admission of the report as evidence. The right to call
10 witnesses to rebut the report shall be reserved to all parties.

11 § -705 **Report of genetic testing.** (a) Subject to a
12 challenge under subsection (b), an individual is identified
13 under this chapter as a genetic parent of a child if genetic
14 testing complies with this part and the results of the testing
15 disclose:

16 (1) The individual has at least a ninety-nine per cent
17 probability of parentage, using a prior probability of
18 0.50, as calculated by using the combined relationship
19 index obtained in the testing; and

20 (2) A combined relationship index of at least one hundred
21 to one.



1 (b) An individual identified under subsection (a) as a
2 genetic parent of the child may challenge the genetic testing
3 results only by other genetic testing satisfying the
4 requirements of this part which:

5 (1) Excludes the individual as a genetic parent of the
6 child; or

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

9 (A) The individual who gave birth to the child; or

10 (B) The individual identified under subsection (a).

11 (c) If more than one individual other than the individual
12 who gave birth is identified by genetic testing as a possible
13 genetic parent of the child, the court shall order each
14 individual to submit to further genetic testing to identify a
15 genetic parent.

16 (d) If an original test result is contested, the court
17 shall order further genetic testing with payment of the testing
18 to be advanced and paid for by the contesting party.

19 § -706 Genetic testing when specimen not available. (a)

20 Subject to subsection (b), if a genetic-testing specimen is not
21 available from an alleged genetic parent of a child, an



1 individual seeking genetic testing demonstrates good cause, and
2 the court finds that the circumstances are just, the court may
3 order any of the following individuals to submit specimens for
4 genetic testing:

- 5 (1) A parent of the alleged genetic parent;
- 6 (2) A sibling of the alleged genetic parent;
- 7 (3) Another child of the alleged genetic parent and the
8 individual who gave birth to the other child; and
- 9 (4) Another relative of the alleged genetic parent
10 necessary to complete genetic testing.

11 (b) To issue an order under this section, the court shall
12 find that a need for genetic testing outweighs the legitimate
13 interests of the individual sought to be tested.

14 § -707 **Deceased individual.** If an individual seeking
15 genetic testing demonstrates good cause, the court may order
16 genetic testing of a deceased individual.

17 **PART VIII. ASSISTED REPRODUCTION**

18 § -801 **Scope of part.** This part shall not apply to the
19 birth of a child conceived by sexual intercourse or assisted
20 reproduction under a surrogacy agreement under part IX.



1 § **-802 Parental status of donor.** A donor is not a
2 parent of a child conceived by assisted reproduction.

3 § **-803 Parentage of child of assisted reproduction.** An
4 individual who consents under section -804 to assisted
5 reproduction by another individual with the intent to be a
6 parent of a child conceived by the assisted reproduction is a
7 parent of the child.

8 § **-804 Consent to assisted reproduction.** (a) Except as
9 otherwise provided in subsection (b), the consent described in
10 section -803 shall be in a record signed by an individual
11 giving birth to a child conceived by assisted reproduction and
12 the other individual who intends to be a parent of the child.

13 (b) Failure to consent in a record as required by
14 subsection (a), before, on, or after the birth of the child
15 shall not preclude the court from finding consent to parentage
16 if:

17 (1) The individual giving birth to a child or the other
18 individual proves by clear and convincing evidence the
19 existence of an express agreement entered into before
20 conception that the individual giving birth and the



1 other individual intended they both would be parents
2 of the child; or
3 (2) The individual giving birth to the child and the other
4 individual for the first two years of the child's
5 life, including any period of temporary absence,
6 resided together in the same household with the child
7 and both openly held out the child as the individual's
8 child; provided that if an individual dies or becomes
9 incapacitated before the child attains two years of
10 age or the child dies before the child attains two
11 years of age, the court may find consent under this
12 subsection to parentage if a party proves by clear and
13 convincing evidence that the individual giving birth
14 to the child and the other individual intended to
15 reside together in the same household with the child
16 and both intended the individual would openly hold out
17 the child as the individual's child, but the
18 individual was prevented from carrying out that intent
19 by death or incapacity.

20 § -805 **Limitation on spouse's dispute of parentage.** (a)

21 Except as otherwise provided in subsection (b), an individual



1 who, at the time of the child's birth, is the spouse of an
2 individual who gave birth to the child by assisted reproduction
3 may not challenge the individual's own parentage of the child
4 unless:

- 5 (1) No later than two years after the birth of the child
6 or the date of which the individual first learns of
7 the birth of the child, whichever is later, the
8 individual commences a proceeding to adjudicate the
9 individual's parentage of the child; and
- 10 (2) The court finds the individual did not consent to the
11 assisted reproduction, before, on, or after the birth
12 of the child, or withdrew consent under
13 section -807.

14 (b) A proceeding to adjudicate a spouse's parentage of a
15 child born by assisted reproduction may be commenced at any time
16 if the court determines:

- 17 (1) The spouse neither provided a gamete for, nor
18 consented to, the assisted reproduction;
- 19 (2) The spouse and the individual who gave birth to the
20 child have not cohabited since the probable time of
21 assisted reproduction; and



1 (3) The spouse never openly held out the child as the
2 spouse's child.

3 (c) This section shall apply to a spouse's dispute of
4 parentage even if the spouse's marriage is declared invalid
5 after assisted reproduction occurs.

6 **§ -806 Effect of certain legal proceedings regarding**
7 **marriage.** (a) If a marriage of an individual who gives birth
8 to a child conceived by assisted reproduction is terminated
9 through divorce or dissolution, subject to legal separation or
10 separate maintenance, declared invalid, or annulled before
11 transfer of gametes or embryos to said individual, a former
12 spouse of said individual is not a parent of the child unless
13 the former spouse consented in a record that the former spouse
14 would be a parent of the child if assisted reproduction were to
15 occur after a divorce, dissolution, annulment, declaration of
16 invalidity, legal separation, or separate maintenance, and the
17 former spouse did not withdraw consent under section -807.

18 **§ -807 Withdrawal of consent.** (a) An individual who
19 consents under section -804 to assisted reproduction may
20 withdraw consent any time before a transfer by giving notice in
21 a record of the withdrawal of consent to the individual who



1 agreed to give birth to a child conceived by assisted
 2 reproduction and to any clinic or health care provider
 3 facilitating the assisted reproduction. Failure to give notice
 4 to the clinic or health care provider shall not affect a
 5 determination of parentage under this part.

6 (b) An individual who withdraws consent under subsection
 7 (a) is not a parent of the child under this part.

8 § -808 **Parental status of deceased individual.** (a) If
 9 an individual who intends to be a parent of a child conceived by
 10 assisted reproduction dies during the period between the
 11 transfer of a gamete or embryo and the birth of the child, the
 12 individual's death shall not preclude the establishment of the
 13 individual's parentage of the child if the individual otherwise
 14 would be a parent of the child under this chapter.

15 (b) If an individual who consented in a record to assisted
 16 reproduction by an individual who agreed to give birth to a
 17 child dies before a transfer of gametes or embryos, the deceased
 18 individual is a parent of a child conceived by the assisted
 19 reproduction only if:

20 (1) Either:



1 (A) The individual consented in a record that if
2 assisted reproduction were to occur after the
3 death of the individual, the individual would be
4 a parent of the child; or

5 (B) The individual's intent to be a parent of a child
6 conceived by assisted reproduction after the
7 individual's death is established by clear and
8 convincing evidence; and

9 (2) Either:

10 (A) The embryo is in utero no later than thirty-six
11 months after the individual's death; or

12 (B) The child is born no later than forty-five months
13 after the individual's death.

14 **PART IX. SURROGACY AGREEMENT**

15 A. General Provisions

16 § -901 **Definitions.** As used in this part:

17 "Genetic surrogate" means an individual who is capable of
18 carrying a pregnancy to term and giving birth to a child, who is
19 not an intended parent and who agrees to become pregnant through
20 assisted reproduction using the individual's own gamete, under a
21 genetic surrogacy agreement as provided in this part.



1 "Gestational surrogate" means an individual who is capable
2 of carrying a pregnancy to term and giving birth to a child, who
3 is not an intended parent and who agrees to become pregnant
4 through assisted reproduction using gametes that are not the
5 individual's own, under a gestational surrogacy agreement as
6 provided in this part.

7 "Surrogacy agreement" means an agreement between one or two
8 intended parents and an individual who is capable of carrying a
9 pregnancy to term and giving birth to a child and who is not an
10 intended parent in which the individual agrees to become
11 pregnant through assisted reproduction and provides that any
12 intended parent is a parent of a child conceived under the
13 agreement. Unless otherwise specified, "surrogacy agreement"
14 refers to both a gestational surrogacy agreement and a genetic
15 surrogacy agreement.

16 **§ -902 Eligibility to enter gestational or genetic**
17 **surrogacy agreement.** (a) To execute a surrogacy agreement to
18 act as a gestational or genetic surrogate, an individual who is
19 capable of carrying a pregnancy to term and giving birth to a
20 child shall:

21 (1) Have attained twenty-one years of age;



- 1 (2) Previously have given birth to at least one child;
- 2 (3) Complete a medical evaluation related to the surrogacy
- 3 arrangement by a licensed medical doctor;
- 4 (4) Complete a mental health consultation by a licensed
- 5 mental health professional; and
- 6 (5) Have independent legal representation of the
- 7 individual's choice throughout the surrogacy
- 8 arrangement regarding the terms of the surrogacy
- 9 agreement and the potential legal consequences of the
- 10 surrogacy agreement.
- 11 (b) To execute a surrogacy agreement, each intended
- 12 parent, whether or not genetically related to the child, shall:
- 13 (1) Have attained twenty-one years of age; and
- 14 (2) Have independent legal representation of the intended
- 15 parent's or parents' choice throughout the surrogacy
- 16 arrangement regarding the terms of the surrogacy
- 17 agreement and the potential legal consequences of the
- 18 surrogacy agreement; provided that the intended
- 19 parents may be jointly represented if desired.



1 § -903 Requirements of gestational or genetic surrogacy

2 **agreement; process.** (a) A surrogacy agreement shall be
3 executed in compliance with the following rules:

4 (1) At least one party shall be a resident of the State
5 or, if no party is a resident of the State, at least
6 one medical evaluation or procedure or mental health
7 consultation under the surrogacy agreement shall occur
8 in the State and in the circumstance each party to the
9 agreement shall consent to the jurisdiction of the
10 courts of the State;

11 (2) A surrogate and each intended parent shall meet the
12 requirements of section -902;

13 (3) Each intended parent, the surrogate, and the
14 surrogate's spouse, if any, shall be parties to the
15 surrogacy agreement;

16 (4) The surrogacy agreement shall be in a record signed by
17 each party listed in paragraph (3);

18 (5) The surrogate and each intended parent shall
19 acknowledge in a record receipt of a copy of the
20 surrogacy agreement;



- 1 (6) The signature of each party to the surrogacy agreement
2 shall be attested by a notarial officer or witnessed
3 in accordance with the laws of the jurisdiction in
4 which the surrogacy agreement is signed;
- 5 (7) The surrogate, surrogate's spouse, if any, and the
6 intended parent or parents shall have independent
7 legal representation throughout the surrogacy
8 arrangement regarding the terms of the surrogacy
9 agreement and the potential legal consequences of the
10 surrogacy agreement, and each counsel shall be
11 identified in the surrogacy agreement; provided that
12 the surrogate and the surrogate's spouse, if any, may
13 be jointly represented if so desired, and the intended
14 parent or parents may be jointly represented if so
15 desired;
- 16 (8) The intended parent or parents shall pay for
17 independent legal representation for the surrogate and
18 surrogate's spouse, if any; and
- 19 (9) The surrogacy agreement shall be executed before a
20 medical procedure, including the taking of medication,
21 occurs related to the surrogacy agreement, other than



1 the medical evaluation and mental health consultation
2 required by section -902.

3 § -904 Requirements of gestational or genetic surrogacy
4 agreement; content. (a) A surrogacy agreement shall comply
5 with the following requirements:

6 (1) A surrogate shall agree to attempt to become pregnant
7 by means of assisted reproduction;

8 (2) Except as otherwise provided in
9 sections -910, -913, and -914, the surrogate
10 and the surrogate's spouse or former spouse, if any,
11 shall have no claim to parentage of a child conceived
12 by assisted reproduction under the agreement;

13 (3) The surrogate's spouse, if any, shall acknowledge and
14 agree to comply with the obligations imposed on the
15 surrogate by the agreement;

16 (4) Except as otherwise provided in
17 sections -910, -913, and -914, the intended
18 parent, or, if there are two intended parents, each
19 one jointly and severally, immediately upon birth
20 shall be the exclusive parent or parents of the child,



1 regardless of the number of children born, or the
2 gender or mental or physical condition of each child;

3 (5) Except as otherwise provided in
4 sections -910, -913, and -914, the intended
5 parent or, if there are two intended parents, each
6 parent jointly and severally, immediately upon birth
7 shall assume physical and legal custody of, and
8 responsibility for the financial support of the child,
9 regardless of the number of children born, or the
10 gender or mental or physical condition of each child;

11 (6) The surrogacy agreement shall provide for payment by
12 the intended parent or parents of reasonable legal,
13 medical and ancillary expenses, including:

14 (A) Premiums for a health insurance policy that
15 covers medical treatment and hospitalization for
16 the person acting as surrogate unless otherwise
17 mutually agreed upon by the parties, pursuant to
18 the terms of the surrogacy agreement;

19 (B) Payment of all uncovered medical expenses;

20 (C) Payment of legal fees for the legal
21 representation of the person acting as surrogate;



1 (D) Payment of life insurance premiums, pursuant to
2 the terms of the surrogacy agreement; and

3 (E) Any other reasonable financial arrangements
4 mutually agreed upon by the parties, including
5 any applicable reimbursement and compensation
6 schedule, pursuant to the terms of the surrogacy
7 agreement;

8 (7) The intended parent or parents shall be liable for the
9 surrogacy-related expenses of the individual acting as
10 surrogate, including expenses for health care provided
11 for assisted reproduction, prenatal care, labor and
12 delivery and for the medical expenses of the resulting
13 child that are not paid by insurance. This paragraph
14 shall not be construed to supplant any health
15 insurance coverage that is otherwise available to the
16 person acting as surrogate or an intended parent for
17 the coverage of health care costs. This paragraph
18 shall not change the health insurance coverage of the
19 person acting as surrogate or the responsibility of
20 the insurance company to pay benefits under a policy
21 that covers a person acting as surrogate;



- 1 (8) The surrogacy agreement shall permit the surrogate to
- 2 make all health and welfare decisions regarding
- 3 themselves and their pregnancy. This chapter shall
- 4 not enlarge or diminish the surrogate's constitutional
- 5 or other legal right to terminate the pregnancy;
- 6 (9) The surrogacy agreement shall include information
- 7 about each party's right under this part to terminate
- 8 the surrogacy agreement;
- 9 (10) The surrogacy agreement shall address confidentiality
- 10 between the parties to the surrogacy agreement; and
- 11 (11) The surrogacy agreement shall address whether the
- 12 intended parents will complete a mental health
- 13 consultation by a licensed mental health professional.
- 14 (b) A surrogacy agreement may provide for:
- 15 (1) Payment of consideration to, and payment or
- 16 reimbursement of reasonable expenses to, the
- 17 surrogate; and
- 18 (2) Reimbursement of specific expenses if the agreement is
- 19 terminated under this part.



1 (c) A right created under a surrogacy agreement is not
2 assignable and there is no third-party beneficiary of the
3 surrogacy agreement other than the child.

4 § -905 **Surrogacy agreement; effect of subsequent change**
5 **of marital status.** (a) Unless a surrogacy agreement expressly
6 provides otherwise:

7 (1) The marriage of a surrogate after the surrogacy
8 agreement is signed by all parties shall not affect
9 the validity of the surrogacy agreement, the
10 surrogate's spouse's consent to the surrogacy
11 agreement is not required, and the surrogate's spouse
12 shall not be a presumed parent of a child conceived by
13 assisted reproduction under the surrogacy agreement;
14 and

15 (2) The divorce, dissolution, annulment, declaration of
16 invalidity, or legal separation, of the surrogate
17 after the surrogacy agreement is signed by all parties
18 shall not affect the validity of the surrogacy
19 agreement.

20 (b) Unless a surrogacy agreement expressly provides
21 otherwise:



1 (1) The marriage of an intended parent after the surrogacy
 2 agreement is signed by all parties shall not affect
 3 the validity of a surrogacy agreement, the consent of
 4 the spouse of the intended parent is not required, and
 5 the spouse of the intended parent shall not be, based
 6 on the surrogacy agreement alone, a parent of a child
 7 conceived by assisted reproduction under the surrogacy
 8 agreement; and

9 (2) The divorce, dissolution, annulment, declaration of
 10 invalidity, or legal separation of an intended parent
 11 after the surrogacy agreement is signed by all parties
 12 shall not affect the validity of the surrogacy
 13 agreement and, except as otherwise provided in
 14 section -913, the intended parents are the parents
 15 of the child.

16 § -906 **Exclusive, continuing jurisdiction.** During the
 17 period after the execution of a surrogacy agreement until ninety
 18 days after the birth of a child conceived by assisted
 19 reproduction under the surrogacy agreement, a court of the State
 20 conducting a proceeding under this chapter shall have exclusive,
 21 continuing jurisdiction over all matters arising out of the



1 agreement. This section shall not give the court jurisdiction
2 over a child custody or child support proceeding if jurisdiction
3 is not otherwise authorized by a law of this State other than
4 this chapter.

5 B. Special Rules of Gestational Surrogacy Agreement

6 § -907 **Termination of gestational surrogacy agreement.**

7 (a) A party to a gestational surrogacy agreement may terminate
8 the surrogacy agreement, at any time before an embryo transfer,
9 by giving notice of termination in a record to all other
10 parties. If an embryo transfer does not result in a pregnancy,
11 a party may terminate the surrogacy agreement at any time before
12 a subsequent embryo transfer.

13 (b) Unless a gestational surrogacy agreement provides
14 otherwise, on termination of the surrogacy agreement under
15 subsection (a), the parties shall be released from the surrogacy
16 agreement, except that each intended parent shall remain
17 responsible for expenses that are reimbursable under the
18 surrogacy agreement and incurred by the gestational surrogate
19 through the date of termination.

20 (c) Except in a case involving fraud, neither a
21 gestational surrogate nor the surrogate's spouse or former



1 spouse, if any, shall be liable to the intended parent or
2 parents for a penalty or liquidated damages for terminating a
3 gestational surrogacy agreement under this section.

4 **§ -908 Parentage under gestational surrogacy agreement.**

5 (a) Except as otherwise provided in subsection (c),
6 section -909(b), or section -911, upon birth of a child
7 conceived by assisted reproduction under a gestational surrogacy
8 agreement, each intended parent shall be, by operation of law, a
9 parent of the child.

10 (b) Except as otherwise provided in subsection (c) or
11 section -911, neither a gestational surrogate nor the
12 surrogate's spouse or former spouse, if any, is a parent of the
13 child.

14 (c) If a child is alleged to be a genetic child of the
15 individual who agreed to be a gestational surrogate, the court
16 shall order genetic testing of the child. If the child is a
17 genetic child of said individual who agreed to be a gestational
18 surrogate, parentage shall be determined based on parts I
19 through VII.

20 (d) Except as otherwise provided in subsection (c),
21 section -909(b), or section -911, if, due to a clinical or



1 laboratory error, a child conceived by assisted reproduction
2 under a gestational surrogacy agreement is not genetically
3 related to either intended parent or to a donor who donated
4 gametes to the intended parent or parents, each intended parent,
5 and not the gestational surrogate and the surrogate's spouse or
6 former spouse, if any, is a parent of the child, subject to any
7 other claim of parentage.

8 **§ -909 Gestational surrogacy agreement; parentage of**
9 **deceased intended parent.** (a) Section -908 shall apply to
10 an intended parent even if the intended parent dies during the
11 period between the transfer of a gamete or embryo and the birth
12 of the child.

13 (b) Except as otherwise provided in section -911, an
14 intended parent is not a parent of a child conceived by assisted
15 reproduction under a gestational surrogacy agreement if the
16 intended parent dies before the transfer of a gamete or embryo
17 unless:

- 18 (1) The agreement provides otherwise; and
19 (2) The transfer of a gamete or embryo occurs no later
20 than thirty-six months after the death of the intended
21 parent or the birth of the child occurs no later than



1 forty-five months after the death of the intended
2 parent.

3 § -910 **Gestational surrogacy agreement; order of**
4 **parentage.** (a) Except as otherwise provided in
5 section -908(c) or -911, before, on, or after the birth of
6 a child conceived by assisted reproduction under a gestational
7 surrogacy agreement, a party to the agreement may commence a
8 proceeding in the appropriate court for an order or judgment:

9 (1) Declaring that each intended parent is a parent of the
10 child and ordering that parental rights and duties
11 vest immediately on the birth of the child exclusively
12 in each intended parent;

13 (2) Declaring that the gestational surrogate and the
14 surrogate's spouse or former spouse, if any, are not
15 the parents of the child;

16 (3) Designating the content of the birth record in
17 accordance with chapter 338, and directing the
18 department of health to designate each intended parent
19 as a parent of the child;

20 (4) To protect the privacy of the child and the parties,
21 declaring that unless the court orders otherwise, a



1 petition and any other document related to a surrogacy
2 agreement filed with the court under this chapter
3 shall not be open to inspection by any individual
4 other than the parties to the proceeding, a child
5 conceived by assisted reproduction under the
6 agreement, their attorneys, and the department of
7 health; provided that the court shall not authorize an
8 individual to inspect a document related to the
9 agreement, unless required by exigent circumstances;
10 provided further that the individual seeking to
11 inspect the document may be required to pay the
12 expense of preparing a copy of the document to be
13 inspected;

14 (5) If necessary, that the child be surrendered to the
15 intended parent or parents; and

16 (6) For other relief the court determines necessary and
17 proper.

18 (b) The court may issue an order or judgment under
19 subsection (a) before the birth of the child. The court shall
20 stay enforcement of the order or judgment until the birth of the
21 child.



1 (c) Neither the State nor the department of health shall
2 be a necessary party to a proceeding under subsection (a).

3 § -911 Effect of gestational surrogacy agreement. (a)

4 A gestational surrogacy agreement that complies with
5 sections -902, -903, and -904 shall be enforceable.

6 (b) If a child was conceived by assisted reproduction
7 under a gestational surrogacy agreement that does not comply
8 with sections -902, -903, and -904, the court shall
9 determine the rights and duties of the parties to the surrogacy
10 agreement consistent with the intent of the parties at the time
11 of execution of the surrogacy agreement. Each party to the
12 surrogacy agreement and any individual who at the time of the
13 execution of the surrogacy agreement was a spouse of a party to
14 the surrogacy agreement shall have standing to maintain a
15 proceeding to adjudicate an issue related to the enforcement of
16 the surrogacy agreement.

17 (c) Except as expressly provided in a gestational
18 surrogacy agreement or subsection (d) or (e), if the surrogacy
19 agreement is breached by the gestational surrogate or one or
20 more intended parents, the non-breaching party is entitled to
21 the remedies available at law or in equity.



1 (d) Specific performance is not a remedy available for
 2 breach by a gestational surrogate of a provision in the
 3 surrogacy agreement that the gestational surrogate undergo an
 4 embryo transfer, terminate or not terminate a pregnancy, or
 5 submit to medical procedures.

6 (e) Except as otherwise provided in subsection (d), if an
 7 intended parent is determined to be a parent of the child,
 8 specific performance is a remedy available for:

9 (1) Breach of the surrogacy agreement by a gestational
 10 surrogate or gestational surrogate's spouse that
 11 prevents the intended parent from exercising
 12 immediately on the birth of the child the full rights
 13 of parentage; or

14 (2) Breach by the intended parent that prevents the
 15 intended parent's acceptance, immediately on the birth
 16 of the child conceived by assisted reproduction under
 17 the agreement, of the duties of parentage.

18 C. Special Rules for Genetic Surrogacy Agreement

19 § -912 **Requirements to validate a genetic surrogacy**
 20 **agreement.** (a) Except as otherwise provided in section -915,
 21 to be enforceable, a genetic surrogacy agreement shall be



1 validated by the family court. A proceeding to validate the
2 surrogacy agreement shall be commenced before assisted
3 reproduction related to the surrogacy agreement is initiated.

4 (b) The court shall issue an order validating a genetic
5 surrogacy agreement if the court finds that:

6 (1) Sections -902, -903, and -904 are satisfied;

7 and

8 (2) All parties entered into the surrogacy agreement
9 voluntarily and understand its terms.

10 (c) An individual who terminates under section -913 a
11 genetic surrogacy agreement shall file notice of the termination
12 with the court. On receipt of the notice, the court shall
13 vacate any order issued under subsection (b). An individual who
14 terminates a genetic surrogacy agreement under this section but
15 does not notify the court of the termination of the agreement
16 shall be subject to sanctions.

17 § -913 **Termination of genetic surrogacy agreement.** (a)

18 A party to a genetic surrogacy agreement may terminate the
19 surrogacy agreement as follows:

20 (1) An intended parent who is a party to the surrogacy
21 agreement may terminate the surrogacy agreement at any



1 time before a gamete or embryo transfer by giving
2 notice of termination in a record to all other
3 parties. If a gamete or embryo transfer does not
4 result in a pregnancy, a party may terminate the
5 surrogacy agreement at any time before a subsequent
6 gamete or embryo transfer. The notice of termination
7 shall be attested by a notarial officer or witnessed;
8 and

9 (2) A genetic surrogate who is a party to the agreement
10 may withdraw consent to the surrogacy agreement any
11 time before seventy-two hours after the birth of a
12 child conceived by assisted reproduction under the
13 surrogacy agreement. To withdraw consent, the genetic
14 surrogate shall execute a notice of termination in a
15 record stating the surrogate's intent to terminate the
16 surrogacy agreement. The notice of termination shall
17 be attested by a notarial officer or witnessed and be
18 delivered to each intended parent any time before
19 seventy-two hours after the birth of the child.

20 (b) On termination of the genetic surrogacy agreement
21 under subsection (a), the parties shall be released from all



1 obligations under the surrogacy agreement except that each
2 intended parent shall remain responsible for all expenses
3 incurred by the surrogate through the date of termination that
4 are reimbursable under the surrogacy agreement. Unless the
5 surrogacy agreement provides otherwise, the surrogate shall not
6 be entitled to and shall refund to intended parents within ten
7 days after withdrawal of consent any non-expense related
8 compensation paid for serving as a surrogate.

9 (c) Except in a case involving fraud, neither a genetic
10 surrogate nor the surrogate's spouse or former spouse, if any,
11 is liable to the intended parent or parents for a penalty or
12 liquidated damages, for terminating a genetic surrogacy
13 agreement under this section.

14 **§ -914 Parentage under validated genetic surrogacy**

15 **agreement.** (a) Unless a genetic surrogate exercises the right
16 under section -913 to terminate a genetic surrogacy
17 agreement, each intended parent is a parent of a child conceived
18 by assisted reproduction under a surrogacy agreement validated
19 under section -912.

20 (b) Unless a genetic surrogate exercises the right under
21 section -913 to terminate the genetic surrogacy agreement, on



1 proof of a court order issued under section -912 validating
2 the surrogacy agreement, the court shall make an order:

3 (1) Declaring that each intended parent is a parent of a
4 child conceived by assisted reproduction under the
5 surrogacy agreement and ordering that parental rights
6 and duties vest exclusively in each intended parent;

7 (2) Declaring that the gestational surrogate and the
8 surrogate's spouse or former spouse, if any, are not
9 parents of the child;

10 (3) Designating the contents of the birth certificate in
11 accordance with chapter 338 and directing the
12 department of health to designate each intended parent
13 as a parent of the child;

14 (4) To protect the privacy of the child and the parties,
15 declaring that unless the court orders otherwise, a
16 petition and any other document related to a surrogacy
17 agreement filed with the court under this chapter
18 shall not be open to inspection by any individual
19 other than the parties to the proceeding, a child
20 conceived by assisted reproduction under the
21 agreement, their attorneys, and the department of



1 health; provided that the court shall not authorize an
2 individual to inspect a document related to the
3 agreement, unless required by exigent circumstances;
4 provided further that the individual seeking to
5 inspect the document may be required to pay the
6 expense of preparing a copy of the document to be
7 inspected;

8 (5) If necessary, that the child be surrendered to the
9 intended parent or parents; and

10 (6) For other relief the court determines necessary and
11 proper.

12 (c) If a genetic surrogate terminates under
13 section -913(a)(2) a genetic surrogacy agreement, parentage of
14 the child conceived by assisted reproduction under the surrogacy
15 agreement shall be determined under parts I through VII.

16 (d) If a child born to a genetic surrogate is alleged not
17 to have been conceived by assisted reproduction, the court shall
18 order genetic testing to determine the genetic parentage of the
19 child. If the child was not conceived by assisted reproduction,
20 parentage shall be determined under parts I through VII. Unless
21 the genetic surrogacy agreement provides otherwise, if the child



1 was not conceived by assisted reproduction, the surrogate is not
2 entitled to any non-expense related compensation paid for
3 serving as a surrogate.

4 (e) Unless a genetic surrogate exercises the right under
5 section -913 to terminate the genetic surrogacy agreement, if
6 an intended parent fails to file notice required under
7 section -913(a), the genetic surrogate or the department of
8 health may file with the court, no later than sixty days after
9 the birth of a child conceived by assisted reproduction under
10 the surrogacy agreement, notice that the child has been born to
11 the genetic surrogate. Unless the genetic surrogate has
12 properly exercised the right under section -913 to withdraw
13 consent to the surrogacy agreement, on proof of a court order
14 issued under section -912 validating the surrogacy agreement,
15 the court shall order that each intended parent is a parent of
16 the child.

17 **§ -915 Effect of non-validated genetic surrogacy**
18 **agreement.** (a) A genetic surrogacy agreement, whether or not
19 in a record, that is not validated under section -912 shall
20 be enforceable only to the extent provided in this section and
21 section -917.



1 (b) If all parties agree, a court may validate a genetic
2 surrogacy agreement after assisted reproduction has occurred but
3 before the birth of a child conceived by assisted reproduction
4 under the agreement.

5 (c) If a child conceived by assisted reproduction under a
6 genetic surrogacy agreement that is not validated under
7 section -912 is born and the genetic surrogate, consistent
8 with section -913(a)(2), withdraws their consent to the
9 surrogacy agreement before seventy-two hours after the birth of
10 the child, the court shall adjudicate the parentage of the child
11 under parts I through VII.

12 (d) If a child conceived by assisted reproduction under a
13 genetic surrogacy agreement that is not validated under
14 section -912 is born and a genetic surrogate does not
15 withdraw their consent to the surrogacy agreement, consistent
16 with section -913(a)(2), before seventy-two hours after the
17 birth of the child, the genetic surrogate is not automatically a
18 parent and the court shall adjudicate parentage of the child
19 based on the best interest of the child, taking into account the
20 factors in section -607(a) and the intent of the parties at
21 the time of the execution of the surrogacy agreement.



1 (e) The parties to a genetic surrogacy agreement shall
2 have standing to maintain a proceeding to adjudicate parentage
3 under this section.

4 § -916 Genetic surrogacy agreement; parentage of
5 deceased intended parent. (a) Except as otherwise provided in
6 section -914 or -915, on birth of a child conceived by
7 assisted reproduction under a genetic surrogacy agreement, each
8 intended parent is, by operation of law, a parent of the child,
9 notwithstanding the death of an intended parent during the
10 period between the transfer of a gamete or embryo and the birth
11 of the child.

12 (b) Except as otherwise provided in section -914
13 or -915, an intended parent is not a parent of a child
14 conceived by assisted reproduction under a genetic surrogacy
15 agreement if the intended parent dies before the transfer of a
16 gamete or embryo unless:

- 17 (1) The surrogacy agreement provides otherwise; and
18 (2) The transfer of the gamete or embryo occurs no later
19 than thirty-six months after the death of the intended
20 parent, or the birth of the child occurs no later than



1 forty-five months after the death of the intended
2 parent.

3 § -917 **Breach of genetic surrogacy agreement.** (a)

4 Subject to section -913(b), if a genetic surrogacy agreement
5 is breached by a genetic surrogate or one or more intended
6 parents, the non-breaching party shall be entitled to the
7 remedies available at law or in equity.

8 (b) Specific performance is not a remedy available for
9 breach by a genetic surrogate of a requirement of a validated or
10 non-validated genetic surrogacy agreement that the surrogate
11 undergo insemination or embryo transfer, terminate or not
12 terminate a pregnancy, or submit to medical procedures.

13 (c) Except as otherwise provided in subsection (b),
14 specific performance is a remedy available for:

15 (1) Breach of a validated genetic surrogacy agreement by a
16 genetic surrogate of a requirement that prevents an
17 intended parent from exercising the full rights of
18 parentage seventy-two hours after the birth of the
19 child; or



1 (2) Breach by an intended parent that prevents the
2 intended parent's acceptance of duties of parentage
3 seventy-two hours after the birth of the child."

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

6 "(f) Effective July 1, 1990, the functions, authority, and
7 obligations, together with the limitations imposed thereon and
8 the privileges and immunities conferred thereby, exercised by a
9 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's
10 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
11 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,
12 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
13 353-11, 356D-54, 356D-94, 383-71, 445-37, 482E-4, 485A-202,
14 501-42, 501-171, 501-218, 521-78, 578-4, [~~584-6,~~ -203,
15 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11,
16 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2,
17 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14,
18 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to
19 the same extent by the department of public safety; and
20 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~~] parent and child relationship has been
15 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, (1) on the marriage of the natural parents with each
4 other, (2) on the voluntary, written acknowledgments of
5 [~~paternity~~] parentage under oath signed by the [~~natural father~~
6 ~~and the natural mother,~~] birthing parent and alleged genetic
7 parent, or intended parent under part VIII of chapter _____, or
8 (3) on establishment of the parent and child relationship under
9 chapter [~~584,~~] _____, are entitled to the same rights as those
10 born to parents married to each other and shall take the name so
11 stipulated by their parents or, if the parents do not agree on
12 the name, shall take the name specified by a court of competent
13 jurisdiction to be the name that is in the best interests of the
14 child. The original certificate of birth shall contain the name
15 so stipulated. The child or children or the parents thereof may
16 petition the department of health to issue a new original
17 certificate of birth, and not a duplicate of the original
18 certificate that has been amended, altered, or modified, in the
19 new name of the child, and the department shall issue the new
20 original certificate of birth. As used in this section "name"
21 includes the first name, middle name, or last name."



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

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

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

8 "**§532-6 To child born to parents not married to each**
9 **other.** Every child born to parents not married to each other at
10 the time of the child's birth and for whom the parent and child
11 relationship has not been established pursuant to chapter
12 ~~[584]~~ shall be considered as an heir to the child's
13 mother, and shall inherit her estate, in whole or in part, as
14 the case may be, in like manner as if the child had been born in
15 lawful wedlock."

16 SECTION 8. Section 560:2-121, Hawaii Revised Statutes, is
17 amended by amending the definition of "child assisted
18 reproduction" to read as follows:

19 ""Child of assisted reproduction" means a child conceived
20 by means of assisted reproduction by an individual other than a
21 gestational ~~[carrier]~~ surrogate under section 560:2-127."



1 SECTION 9. Section 560:2-126, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~{~~]~~§560:2-126~~[~~}~~—~~Child~~] Individual conceived by assisted
4 reproduction [other than a child] but not born to gestational
5 [carrier.] or genetic surrogate. [~~(a)~~—~~In this section:~~

6 "~~Birth mother~~" ~~means an individual, other than a~~
7 ~~gestational carrier under section 560:2-127, who gives birth to~~
8 ~~a child of assisted reproduction. "Birth mother" is not limited~~
9 ~~to an individual who is the child's genetic mother.~~

10 "~~Third-party donor~~" ~~means an individual who produces eggs~~
11 ~~or sperm used for assisted reproduction, whether or not for~~
12 ~~consideration. "Third-party donor" does not include:~~

13 (1) ~~A spouse who provides sperm or eggs that are used for~~
14 ~~assisted reproduction by a gestational spouse;~~

15 (2) ~~The birth mother of a child of assisted reproduction;~~
16 ~~or~~

17 (3) ~~An individual who has been determined under subsection~~
18 ~~(e) or (f) to have a parent-child relationship with a~~
19 ~~child of assisted reproduction.~~



1 ~~(b) A parent-child relationship shall not be deemed to~~
2 ~~exist between a child of assisted reproduction and a third-party~~
3 ~~donor.~~

4 ~~(c) A parent-child relationship shall be deemed to exist~~
5 ~~between a child of assisted reproduction and the child's birth~~
6 ~~mother.~~

7 ~~(d) Except as otherwise provided in subsections (i) and~~
8 ~~(j), a parent-child relationship shall be deemed to exist~~
9 ~~between a child of assisted reproduction and the spouse of the~~
10 ~~child's birth mother if the spouse provided the sperm that the~~
11 ~~birth mother used during the spouse's lifetime for assisted~~
12 ~~reproduction.~~

13 ~~(e) A birth certificate identifying an individual other~~
14 ~~than the birth mother as the other parent of a child of assisted~~
15 ~~reproduction shall presumptively establish a parent-child~~
16 ~~relationship between the child and that individual.~~

17 ~~(f) Except as otherwise provided in subsections (g), (i),~~
18 ~~and (j), and unless a parent-child relationship is established~~
19 ~~under subsection (d) or (e), a parent-child relationship shall~~
20 ~~be deemed to exist between a child of assisted reproduction and~~
21 ~~an individual other than the birth mother who consented to~~



1 ~~assisted reproduction by the birth mother with the intent to be~~
2 ~~treated as the other parent of the child. Consent to assisted~~
3 ~~reproduction by the birth mother with intent to be treated as~~
4 ~~the other parent of the child shall be established if the~~
5 ~~individual:~~

6 ~~(1) Signed a record, before or after the child's birth,~~
7 ~~that, considering all the facts and circumstances,~~
8 ~~evidences the individual's consent; or~~

9 ~~(2) In the absence of a signed record under paragraph (1):~~

10 ~~(A) Functioned as a parent of the child no later than~~
11 ~~two years after the child's birth;~~

12 ~~(B) Intended to function as a parent of the child no~~
13 ~~later than two years after the child's birth but~~
14 ~~was prevented from carrying out that intent by~~
15 ~~death, incapacity, or other circumstances; or~~

16 ~~(C) Intended to be treated as a parent of a~~
17 ~~posthumously conceived child, if that intent is~~
18 ~~established by clear and convincing evidence.~~

19 ~~(g) For the purpose of subsection (f) (1), neither an~~
20 ~~individual who signed a record more than two years after the~~
21 ~~birth of the child, nor a relative of that individual who is not~~



1 ~~also a relative of the birth mother, inherits from or through~~
2 ~~the child unless the individual functioned as a parent of the~~
3 ~~child before the child reached eighteen years of age.~~

4 ~~(h) For the purpose of subsection (f) (2):~~

5 ~~(1) If the birth mother is married and no divorce~~
6 ~~proceeding is pending, or in a reciprocal beneficiary~~
7 ~~relationship, in the absence of clear and convincing~~
8 ~~evidence to the contrary, the birth mother's spouse or~~
9 ~~reciprocal beneficiary shall be deemed to satisfy~~
10 ~~subsection (f) (2) (A) or (B); and~~

11 ~~(2) If the birth mother is a surviving spouse and at the~~
12 ~~death of the birth mother's deceased spouse no divorce~~
13 ~~proceeding was pending, or is the surviving reciprocal~~
14 ~~beneficiary, in the absence of clear and convincing~~
15 ~~evidence to the contrary, the birth mother's deceased~~
16 ~~spouse or reciprocal beneficiary shall be deemed to~~
17 ~~satisfy subsection (f) (2) (B) or (C).~~

18 ~~(i) If a married couple is divorced before placement of~~
19 ~~eggs, sperm, or embryos, a child resulting from the assisted~~
20 ~~reproduction shall not be treated as a child of the birth~~
21 ~~mother's former spouse, unless the former spouse consented in a~~



1 ~~record that, if assisted reproduction were to occur after~~
2 ~~divorce, the child would be treated as the former spouse's~~
3 ~~child.~~

4 ~~(j) If, in a record, an individual withdraws consent to~~
5 ~~assisted reproduction before placement of eggs, sperm, or~~
6 ~~embryos, a child resulting from the assisted reproduction shall~~
7 ~~not be treated as a child of that individual, unless the~~
8 ~~individual subsequently satisfies subsection (f).~~

9 ~~(k) If, under this section, an individual is a parent of a~~
10 ~~child of assisted reproduction who is conceived after the~~
11 ~~individual's death, the child shall be treated as in gestation~~
12 ~~at the individual's death for purposes of section 560:2-~~
13 ~~104(b)(2) if the child is:~~

14 ~~(1) In utero no later than thirty-six months after the~~
15 ~~individual's death; or~~

16 ~~(2) Born no later than forty-five months after the~~
17 ~~individual's death.]~~

18 Except as otherwise provided under section 560:2-127,
19 parentage of an individual conceived by assisted reproduction
20 shall be determined under part VIII of chapter , other than
21 section -808(b)(2)."



1 SECTION 10. Section 560:2-127, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[~~§~~560:2-127~~]~~ ~~Child~~ Individual born to gestational
4 ~~[carrier.]~~ or genetic surrogate. [~~(a)~~ ~~In this section:~~

5 "~~Gestational agreement~~" means an enforceable or
6 unenforceable agreement for assisted reproduction in which an
7 individual agrees to carry a child to birth for an intended
8 parent, intended parents, or an individual described in
9 subsection (c).

10 "~~Gestational carrier~~" means an individual who is not an
11 intended parent who gives birth to a child under a gestational
12 agreement. "~~Gestational carrier~~" is not limited to an
13 individual who is the child's genetic mother.

14 "~~Gestational child~~" means a child born to a gestational
15 carrier under a gestational agreement.

16 "~~Intended parent~~" means an individual who entered into a
17 gestational agreement providing that the individual will be the
18 parent of a child born to a gestational carrier by means of
19 assisted reproduction. "~~Intended parent~~" is not limited to an
20 individual who has a genetic relationship with the child.



1 ~~(b) A parent-child relationship shall be deemed to be~~
2 ~~conclusively established by a court order designating the parent~~
3 ~~or parents of a gestational child.~~

4 ~~(c) A parent-child relationship between a gestational~~
5 ~~child and the gestational child's carrier shall not be deemed to~~
6 ~~exist unless the gestational carrier is:~~

7 ~~(1) Designated as a parent of the child in a court order,~~
8 ~~as described in subsection (b); or~~

9 ~~(2) The child's genetic mother and a parent-child~~
10 ~~relationship does not exist under this section with an~~
11 ~~individual other than the gestational carrier.~~

12 ~~(d) In the absence of a court order under subsection (b),~~
13 ~~a parent-child relationship shall be deemed to exist between a~~
14 ~~gestational child and an intended parent who:~~

15 ~~(1) Functioned as a parent of the child no later than two~~
16 ~~years after the child's birth; or~~

17 ~~(2) Died while the gestational carrier was pregnant if:~~

18 ~~(A) There were two intended parents, and the other~~
19 ~~intended parent functioned as a parent of the~~
20 ~~child no later than two years after the child's~~
21 ~~birth;~~



1 ~~(B) There were two intended parents, the other~~
2 ~~intended parent also died while the gestational~~
3 ~~carrier was pregnant, and a relative of either~~
4 ~~deceased intended parent or the spouse,~~
5 ~~reciprocal beneficiary, or surviving spouse or~~
6 ~~reciprocal beneficiary of a relative of either~~
7 ~~deceased intended parent functioned as a parent~~
8 ~~of the child no later than two years after the~~
9 ~~child's birth; or~~

10 ~~(C) There was no other intended parent and a relative~~
11 ~~of the deceased intended parent, or the spouse,~~
12 ~~reciprocal beneficiary, or surviving spouse or~~
13 ~~reciprocal beneficiary of a relative of the~~
14 ~~deceased intended parent, functioned as a parent~~
15 ~~of the child no later than two years after the~~
16 ~~child's birth.~~

17 ~~(e) In the absence of a court order under subsection (b),~~
18 ~~a parent-child relationship shall be deemed to exist between a~~
19 ~~gestational child and an individual whose sperm or eggs were~~
20 ~~used after the individual's death or incapacity to conceive a~~
21 ~~child under a gestational agreement entered into after the~~



1 ~~individual's death or incapacity if the individual intended to~~
2 ~~be treated as the parent of the child. The individual's intent~~
3 ~~may be shown by:~~

4 ~~(1) A record signed by the individual that, considering~~
5 ~~all the facts and circumstances, evidences the~~
6 ~~individual's intent; or~~

7 ~~(2) Other facts and circumstances establishing the~~
8 ~~individual's intent by clear and convincing evidence.~~

9 ~~(f) Except as otherwise provided in subsection (g), and~~
10 ~~unless there is clear and convincing evidence of a contrary~~
11 ~~intent, an individual shall be deemed to have intended to be~~
12 ~~treated as the parent of a gestational child for purposes of~~
13 ~~subsection (e) (2) if:~~

14 ~~(1) The individual, before death or incapacity, deposited~~
15 ~~the sperm or eggs that were used to conceive the~~
16 ~~child;~~

17 ~~(2) When the individual deposited the sperm or eggs, the~~
18 ~~individual was married, and no divorce proceeding was~~
19 ~~pending; and~~

20 ~~(3) The individual's spouse or reciprocal beneficiary, or~~
21 ~~surviving spouse or reciprocal beneficiary, functioned~~



1 ~~as a parent of the child no later than two years after~~
2 ~~the child's birth.~~

3 ~~(g) The presumption under subsection (f) shall not apply~~
4 ~~if there is:~~

5 ~~(1) A court order under subsection (b); or~~

6 ~~(2) A signed record that satisfies subsection (e)(1).~~

7 ~~(h) If, under this section, an individual is a parent of a~~
8 ~~gestational child who is conceived after the individual's death,~~
9 ~~the child shall be treated as in gestation at the individual's~~
10 ~~death for purposes of section 560:2-104(b)(2) if the child is:~~

11 ~~(1) In utero no later than thirty-six months after the~~
12 ~~individual's death; or~~

13 ~~(2) Born no later than forty-five months after the~~
14 ~~individual's death.~~

15 ~~(i) This section shall not affect other laws of this State~~
16 ~~governing the enforceability or validity of a gestational~~
17 ~~agreement.] Parentage of an individual conceived by assisted~~
18 ~~reproduction and born to a gestational or genetic surrogate~~
19 ~~shall be determined under part IX of chapter , other than~~
20 ~~sections -909(b)(2) and -916(b)(2)."~~



1 SECTION 11. Section 571-14, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

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

12 (2) To try any adult charged with:

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

15 (B) An offense, other than a felony, against the
16 person of the defendant's husband or wife;

17 (C) Any violation of an order issued pursuant to
18 chapter 586; or

19 (D) Any violation of an order issued by a family
20 court judge.



- 1 In any case within paragraph (1) or (2), the court, in its
2 discretion, may waive its jurisdiction over the offense
3 charged;
- 4 (3) In all proceedings under chapter 580, and in all
5 proceedings under chapter [~~584;~~] _____;
- 6 (4) In proceedings under chapter 575, the Uniform
7 Desertion and Nonsupport Act, and under chapter 576B,
8 the Uniform Interstate Family Support Act;
- 9 (5) For commitment of an adult alleged to be mentally
10 defective or mentally ill;
- 11 (6) In all proceedings for support between parent and
12 child or between [~~husband and wife;~~] spouses;
- 13 (7) In all proceedings for pre-trial detention or waiver
14 of jurisdiction over an adult who was a child at the
15 time of an alleged criminal act as provided in section
16 571-13 or 571-22;
- 17 (8) In all proceedings under chapter 586, Domestic Abuse
18 Protective Orders; and
- 19 (9) For the protection of vulnerable adults under
20 chapter 346, part X.



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

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

7 "**§571-50 Modification of decree, rehearing.** Except as
8 otherwise provided by this chapter, any decree or order of the
9 court may be modified at any time.

10 At any time during supervision of a child the court may
11 issue notice or other appropriate process to the child if the
12 child is of sufficient age to understand the nature of the
13 process, to the parents, and to any other necessary parties to
14 appear at a hearing on a charge of violation of the terms of
15 supervision, for any change in or modification of the decree or
16 for discharge. The provisions of this chapter relating to
17 process, custody, and detention at other stages of the
18 proceeding shall be applicable.

19 A parent, guardian, custodian, or next friend of any child
20 whose status has been adjudicated by the court, or any adult
21 affected by a decree of the court, at any time may petition the



1 court for a rehearing on the ground that new evidence, which was
2 not known or not available through the exercise of due diligence
3 at the time of the original hearing and which might affect the
4 decree, has been discovered. Upon a satisfactory showing of
5 this evidence, the court shall order a new hearing and make any
6 disposition of the case that the facts and the best interests of
7 the child warrant.

8 A parent, guardian, or next friend of a child whose legal
9 custody has been transferred by the court to an institution,
10 facility, agency, or person may petition the court for
11 modification or revocation of the decree, on the ground that the
12 legal custodian has wrongfully denied application for the
13 release of the child or has failed to act upon it within a
14 reasonable time, or has acted in an arbitrary manner not
15 consistent with the welfare of the child or the public interest.
16 An institution, facility, agency, or person vested with legal
17 custody of a child may petition the court for a renewal,
18 modification, or revocation of the custody order on the ground
19 that the change is necessary for the welfare of the child or in
20 the public interest. The court may dismiss the petition if on
21 preliminary investigation it finds the petition without



1 substance. If the court is of the opinion that the decree
2 should be reviewed, it shall conduct a hearing on notice to all
3 parties concerned, and may enter an order continuing, modifying,
4 or terminating the decree.

5 Notwithstanding the foregoing provisions of this section
6 the court's authority with respect to the review, rehearing,
7 renewal, modification, or revocation of decrees, judgments, or
8 orders entered in the hereinbelow listed classes of proceedings
9 shall be limited by any specific limitations set forth in the
10 statutes governing these proceedings or in any other
11 specifically applicable statutes or rules. These proceedings
12 are as follows:

- 13 (1) Annulment, divorce, separation, and other proceedings
14 under chapter 580;
- 15 (2) Adoption proceedings under chapter 578;
- 16 (3) [~~Paternity~~] Parentage proceedings under chapter
17 [~~584;~~] _____;
- 18 (4) Termination of parental rights proceedings under this
19 chapter; and
- 20 (5) State hospital commitment proceedings under
21 chapter 334.



1 A decree, judgment, or order committing a child to the care
 2 of the director of human services shall be reviewable under this
 3 section at the instance of others other than duly authorized
 4 representatives of the department only after a lapse of thirty
 5 days following the date of the decree, judgment, or order, and
 6 thereafter only at intervals of not less than one year.

7 Notwithstanding this section the court shall not conduct a
 8 rehearing of any petition, filed under section 571-11(1), which,
 9 following a hearing, has been denied or dismissed."

10 SECTION 13. Section 571-52.6, Hawaii Revised Statutes, is
 11 amended to read as follows:

12 **"§571-52.6 Child support order, judgment, or decree;**
 13 **accident and health or sickness insurance coverage.** Each order,
 14 judgment, or decree under this chapter or chapter 576B, 580, or
 15 [~~584~~] _____ ordering a person to pay child support shall include
 16 the following provisions:

17 (1) Both the obligor and the obligee are required to file
 18 with the state case registry, through the child
 19 support enforcement agency, upon entry of the child
 20 support order and to update as appropriate,
 21 information on the identity and location of the party,



1 including social security number, residential and
2 mailing addresses, telephone number, driver's license
3 number if different from social security number, and
4 name, address, and telephone number of the party's
5 employer; and

6 (2) The liability of that person for accident and health
7 or sickness insurance coverage when available at
8 reasonable cost."

9 SECTION 14. Section 571-84, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) The court shall maintain records of all cases brought
12 before it. Except as provided in sections 571-84.6 and
13 [~~584-20.5,~~] -509, in proceedings under section 571-11 and in
14 [~~paternity~~] parentage proceedings under chapter [~~584,~~] ,
15 the following records shall be withheld from public inspection:
16 the court docket, petitions, complaints, motions, and other
17 papers filed in any case; transcripts of testimony taken by the
18 court; and findings, judgments, orders, decrees, and other
19 papers other than social records filed in proceedings before the
20 court. The records other than social records shall be open to
21 inspection: by the parties and their attorneys, by an



1 institution or agency to which custody of a minor has been
2 transferred, and by an individual who has been appointed
3 guardian; with consent of the judge, by persons having a
4 legitimate interest in the proceedings from the standpoint of
5 the welfare of the minor; and, pursuant to order of the court or
6 the rules of court, by persons conducting pertinent research
7 studies, and by persons, institutions, and agencies having a
8 legitimate interest in the protection, welfare, treatment, or
9 disposition of the minor."

10 SECTION 15. Section 571-84.5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§571-84.5 Support order, decree, judgment, or**
13 **acknowledgment; social security number.** The social security
14 number of any individual who is a party to a divorce decree, or
15 subject to a support order or [~~paternity~~] parentage
16 determination, or has made an acknowledgment of [~~paternity~~]
17 parentage issued under this chapter or chapter 576B, 580, or
18 [~~584~~] _____ shall be placed in the records relating to the
19 matter."

20 SECTION 16. Section 571-87, Hawaii Revised Statutes, is
21 amended by amending subsection (c) to read as follows:



1 "(c) The maximum allowable fee shall not exceed the
2 following schedule:

3 (1) Cases arising under chapters [†]587A[†] and 346,
4 part X:

5 (A) Predisposition \$3,000;

6 (B) Postdisposition review hearing \$1,000;

7 (2) Cases arising under chapters 560, 571, 580, and
8 [584] ____ \$3,000.

9 Payments in excess of any maximum provided for under
10 paragraphs (1) and (2) may be made whenever the court in which
11 the representation was rendered certifies, based upon
12 representations of extraordinary circumstances, attested to by
13 the applicant, that the amount of the excess payment is
14 necessary to provide fair compensation in light of those
15 circumstances, and the payment is approved by the administrative
16 judge of that court."

17 SECTION 17. Section 571-92, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§571-92 Application.** This part shall only apply to
20 actions under chapters 580 and [~~584.~~] _____. Nothing in this
21 part shall supersede any provision of any existing state or



1 federal law. The provisions in this part shall be interpreted
2 consistently with other relevant laws and the standard of "best
3 interest of the child" shall remain paramount."

4 SECTION 18. Section 574-3, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§574-3 Children born to parents not married to each
7 other.** The registrar of births shall register any child born to
8 parents not married to each other at the time of the child's
9 birth and where either the natural parents have not married each
10 other or where the parent and child relationship has not been
11 established pursuant to chapter [584~~7~~] _____, as having both a
12 family name and given name chosen by the [~~mother~~] individual
13 who gave birth to the child."

14 SECTION 19. Section 576B-401, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

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

- 19 (1) A presumed [~~father~~] parent of the child;
- 20 (2) Petitioning to have [~~paternity~~] parentage adjudicated;



- 1 (3) Identified as the [~~father~~] parent of the child through
- 2 genetic testing;
- 3 (4) An alleged [~~father~~] parent who has declined to submit
- 4 to genetic testing;
- 5 (5) Shown by clear and convincing evidence to be the
- 6 [~~father~~] parent of the child;
- 7 (6) An acknowledged [~~father~~] parent as provided by section
- 8 [~~584-3.5;~~] _____-403;
- 9 (7) The [~~mother of~~] individual who gave birth to the
- 10 child; or
- 11 (8) An individual who has been ordered to pay child
- 12 support in a previous proceeding and the order has not
- 13 been reversed or vacated."

14 SECTION 20. Section 576B-402, Hawaii Revised Statutes, is
 15 amended by amending subsection (b) to read as follows:

16 "(b) In a proceeding to determine parentage, a responding
 17 tribunal of this State shall apply chapter [~~584~~] _____ and the
 18 rules of this State on choice of law."

19 SECTION 21. Section 576E-2, Hawaii Revised Statutes, is
 20 amended to read as follows:



1 **"§576E-2 Attorney general; powers.** Notwithstanding any
2 other law to the contrary, the attorney general, through the
3 agency and the office, shall have concurrent jurisdiction with
4 the court in all proceedings in which a support obligation is
5 established, modified, or enforced, including but not limited to
6 proceedings under chapters 571, 580, [~~584~~] _____, and 576B.
7 The attorney general, through the agency and the office, may
8 establish, modify, suspend, terminate, and enforce child support
9 obligations and collect or enforce spousal support using the
10 administrative process provided in this chapter on all cases for
11 which the department has a responsibility under Title IV-D of
12 the Social Security Act, including but not limited to welfare
13 and nonwelfare cases in which the responsible parent is subject
14 to the department's jurisdiction, regardless of the residence of
15 the children for whom support is sought. These powers shall
16 include but not be limited to the power to:

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

19 (2) Administer oaths, issue subpoenas, and require
20 production of books, accounts, documents, and
21 evidence;



- 1 (3) Establish, modify, suspend, terminate, or enforce a
2 child support order and to collect or enforce a
3 spousal support order in conjunction with a child
4 support order;
- 5 (4) Determine that a party has not complied with a court
6 or administrative order of support and make
7 recommendations to the court or other agency with
8 respect to contempt or other appropriate proceedings;
- 9 (5) Establish arrearage;
- 10 (6) Establish an order for child support for periods which
11 public assistance was provided to the child or
12 children by the department of human services;
- 13 (7) Order and enforce assignment of future income under
14 section 576E-16, chapter 571, and section 576D-14;
- 15 (8) Exercise the powers and authority described in this
16 section, notwithstanding the existence of a prior
17 court or administrative order of support issued by
18 another state or foreign jurisdiction, except as
19 modified or limited by this chapter;
- 20 (9) Determine that an obligor owes past-due support with
21 respect to a child receiving assistance under a state



1 program funded under Title IV-A of the Social Security
2 Act, including Aid to Families with Dependent Children
3 and Temporary Assistance to Needy Families and
4 petition the court to issue an order that requires the
5 obligor to pay the support in accordance with a plan
6 approved by the court or, if the obligor is subject to
7 a plan and is not incapacitated, participate in work
8 activities, as defined in 42 U.S.C. §607(d), as the
9 court deems appropriate;

10 (10) Order genetic testing pursuant to chapter
11 [584] _____ for the purpose of establishing
12 [~~paternity,~~] parentage, with payment of costs to be
13 made by the agency, subject to recoupment by the State
14 from [~~the father or the mother,~~] a parent, if
15 appropriate, if [~~paternity~~] parentage is established,
16 and to also order additional testing in any case if an
17 original test result is contested, upon request and
18 advance payment by the contestant;

19 (11) Exercise the powers and authority described in this
20 section, notwithstanding the existence of a prior
21 court or administrative order of support issued by



1 another state or foreign jurisdiction, except as
2 modified or limited by this chapter and chapter 576B;
3 and

4 (12) Delegate the powers and authority described in this
5 section to hearings officers and employees of the
6 agency."

7 SECTION 22. Section 580-47, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) Upon granting a divorce, or thereafter if, in
10 addition to the powers granted in subsections (c) and (d),
11 jurisdiction of those matters is reserved under the decree by
12 agreement of both parties or by order of court after finding
13 that good cause exists, the court may make any further orders
14 that appear just and equitable (1) compelling the parties or
15 either of them to provide for the support, maintenance, and
16 education of the children of the parties; (2) compelling either
17 party to provide for the support and maintenance of the other
18 party; (3) finally dividing and distributing the estate of the
19 parties, real, personal, or mixed, whether community, joint, or
20 separate; and (4) allocating, as between the parties, the
21 responsibility for the payment of the debts of the parties



1 whether community, joint, or separate, and the [~~attorney's~~]
2 attorneys' fees, costs, and expenses incurred by each party by
3 reason of the divorce. In making these further orders, the
4 court shall take into consideration: the respective merits of
5 the parties, the relative abilities of the parties, the
6 condition in which each party will be left by the divorce, the
7 burdens imposed upon either party for the benefit of the
8 children of the parties, the concealment of or failure to
9 disclose income or an asset, or violation of a restraining order
10 issued under section 580-10(a) or (b), if any, by either party,
11 and all other circumstances of the case. In establishing the
12 amounts of child support, the court shall use the guidelines
13 established under section 576D-7. Provision may be made for the
14 support, maintenance, and education of an adult or minor child
15 and for the support, maintenance, and education of an
16 incompetent adult child regardless of whether the petition is
17 made before or after the child has attained the age of majority.
18 In those cases where child support payments are to continue due
19 to the adult child's pursuance of education, the agency, at
20 least three months before the adult child's nineteenth birthday,
21 shall send notice by regular mail to the adult child and the



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

16 In addition to any other relevant factors considered, the
17 court, in ordering spousal support and maintenance, shall
18 consider the following factors:

- 19 (1) Financial resources of the parties;
- 20 (2) Ability of the party seeking support and maintenance
21 to meet the party's needs independently;



- 1 (3) Duration of the marriage;
- 2 (4) Standard of living established during the marriage;
- 3 (5) Age of the parties;
- 4 (6) Physical and emotional condition of the parties;
- 5 (7) Usual occupation of the parties during the marriage;
- 6 (8) Vocational skills and employability of the party
- 7 seeking support and maintenance;
- 8 (9) Needs of the parties;
- 9 (10) Custodial and child support responsibilities;
- 10 (11) Ability of the party from whom support and maintenance
- 11 is sought to meet the party's own needs while meeting
- 12 the needs of the party seeking support and
- 13 maintenance;
- 14 (12) Other factors that measure the financial condition in
- 15 which the parties will be left as the result of the
- 16 action under which the determination of maintenance is
- 17 made; and
- 18 (13) Probable duration of the need of the party seeking
- 19 support and maintenance.

20 The court may order support and maintenance to a party for
21 an indefinite period or until further order of the court;



1 provided that in the event the court determines that support and
2 maintenance shall be ordered for a specific duration wholly or
3 partly based on competent evidence as to the amount of time that
4 will be required for the party seeking support and maintenance
5 to secure adequate training, education, skills, or other
6 qualifications necessary to qualify for appropriate employment,
7 whether intended to qualify the party for a new occupation,
8 update or expand existing qualification, or otherwise enable or
9 enhance the employability of the party, the court shall order
10 support and maintenance for a period sufficient to allow
11 completion of the training, education, skills, or other
12 activity, and shall allow, in addition, sufficient time for the
13 party to secure appropriate employment."

14 SECTION 23. Section 607-5.6, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) In addition to the fees prescribed under section
17 607-5 for a matrimonial action where either party has a minor
18 child, or a family court proceeding under chapter [~~584,~~] _____,
19 the court shall collect a surcharge of \$50 at the time of filing
20 the initial complaint or petition. In cases where the surcharge
21 has been initially waived, the court may collect the surcharge



1 subsequent to the filing with [~~such~~] the surcharge to be
2 assessed from either party or apportioned between both parties."

3 SECTION 24. Section 634-37, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§634-37 Presumption of notice and service of process in**
6 **child support cases.** Whenever notice and service of process is
7 required for child support enforcement proceedings subsequent to
8 an order issued pursuant to chapter 571, 576B, 576E, 580, or
9 [~~584,~~] _____, upon a showing that diligent effort has been made
10 to ascertain the location of a party, notice and service of
11 process shall be presumed to be satisfied upon delivery of
12 written notice to the most recent residential or employer
13 address on file with the state case registry pursuant to section
14 571-52.6."

15 SECTION 25. Chapter 584, Hawaii Revised Statutes, is
16 repealed.

17 SECTION 26. This Act does not affect rights and duties
18 that matured, penalties that were incurred, and proceedings that
19 were begun before its effective date.

20 SECTION 27. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 28. This Act shall take effect on January 1, 2026.

2



Report Title:

Uniform Parentage Act

Description:

Repeals the Uniform Parentage Act of 1973 and updates laws relating to parentage, including enacting portions of the Uniform Parentage Act of 2017. (SD1)

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

