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# A BILL FOR AN ACT

RELATING TO FAMILY LEAVE.

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

1       SECTION 1. The legislature acknowledges that there are  
2 many individuals who have significant personal, emotional, and  
3 economic relationships with another individual yet are not  
4 married or in reciprocal beneficiary relationships. The  
5 legislature believes that family leave should be made available  
6 to couples who have demonstrated their commitment to one another  
7 through the criteria set forth in this Act, which shall apply  
8 without regard to gender.

9       Under chapter 398, Hawaii Revised Statutes, an employee is  
10 entitled to family leave to care for the employee's child,  
11 spouse, reciprocal beneficiary, sibling, grandchild, or parent  
12 with a serious health condition. The purpose of this Act is to  
13 allow family leave to also apply to an employee's domestic  
14 partner or the child of an employee's domestic partner, as  
15 defined in this Act, which shall be known as the Partner Leave  
16 Equality Act.



SECTION 2. Section 398-1, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

"Domestic partner" means an individual who:

(1) Lives in a spouse-like relationship with the employee;

(2) Intends to remain in a domestic partnership with the employee indefinitely;

(3) Maintains a common residence with the employee with an intent to reside together indefinitely;

(4) Agrees with the employee to be jointly and severally responsible for each other's basic living expenses, including food, shelter, and medical care;

(5) Is not married, in a reciprocal beneficiary relationship, or in a domestic partnership with anyone other than the employee; provided that the employee is also not married, in a reciprocal beneficiary relationship, or in a domestic partnership with anyone other than the individual;

(6) Is not related by blood in such a way as would prevent the individual from marrying the employee in the State;



1       (7) Is at least eighteen years of age and mentally  
2       competent to contract; provided that the employee is  
3       also at least eighteen years of age and mentally  
4       competent to contract; and

5       (8) Has not consented to the domestic partnership by  
6       force, duress, or fraud; provided that the employee  
7       has also not consented to the domestic partnership by  
8       force, duress, or fraud;

9       provided that at the time the need for family leave arises, the  
10      employee signs a notarized declaration of domestic partnership,  
11      attesting to the criteria in paragraphs (1) through (8), in a  
12      form acceptable to the employer and under penalty of perjury.

13      "Spouse-like relationship" includes a conjugal relationship  
14      and the sharing of social activities."

15      SECTION 3. Section 398-1, Hawaii Revised Statutes, is  
16      amended by amending the definition of "child" to read as  
17      follows:

18      ""Child" means an individual who is a biological, adopted,  
19      or foster son or daughter; a stepchild; a biological, adopted,  
20      or foster son or daughter of a domestic partner; or a legal ward  
21      of an employee."



1       SECTION 4. Section 398-3, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3       "(a) An employee shall be entitled to a total of four  
4 weeks of family leave during any calendar year:

5       (1) Upon the birth of a child of the employee or the  
6 adoption of a child; or

7       (2) To care for the employee's child, spouse, reciprocal  
8 beneficiary, domestic partner, sibling, grandchild, or  
9 parent with a serious health condition."

10       SECTION 5. Section 398-5, Hawaii Revised Statutes, is  
11 amended to read as follows:

12       "**§398-5 Notice.** In any case in which the necessity for  
13 family leave for purposes of birth or adoption of a child or  
14 providing care to a child, spouse, reciprocal beneficiary,  
15 domestic partner, sibling, or parent is foreseeable, the  
16 employee shall provide the employer with prior notice of the  
17 expected birth or adoption or serious health condition in a  
18 manner that is reasonable and practicable. Requests for family  
19 leave shall include evidence that the employee has submitted the  
20 request and provided required data in accordance with section  
21 398-9.5."

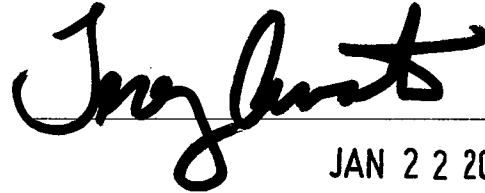


1       SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 7. This Act shall take effect on July 1, 2025.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Jerry Hunt", is written over a horizontal line.

JAN 22 2025



# H.B. NO. 1268

**Report Title:**

Family Leave; Employer; Domestic Partner; Employee; Child

**Description:**

Allows family leave to also apply to an employee's domestic partner or the child of an employee's domestic partner.

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

