

A Bill For an Act Relating to Registration of Birth, Death, Marriage and Divorce.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 338, Hawaii Revised Statutes, is amended in the following particulars:

1. By amending Section 338-15 to read:

“Sec. 338-15 Delayed or altered certificates. A person born in the State may file or amend a certificate after the time prescribed, upon submitting such proof as shall be required by regulations of the department of health. Certificates registered after the time prescribed for filing by the regulations of the department of health shall be registered subject to such evidentiary requirements as the department shall by regulation prescribe to substantiate the alleged facts of birth.”

2. By amending Section 338-16 to read:

“Sec. 338-16 Procedure concerning delayed and altered birth certificates.

(a) Birth certificates registered one year or more after the date of birth, and certificates which have been altered after being filed with the department of health, shall contain the date of the delayed filing and the date of the alteration and be marked distinctly ‘delayed’ or ‘altered’.

(b) A summary statement of the evidence submitted in support of the acceptance for delayed filing or the alteration shall be endorsed on the certificates.

(c) Such evidence shall be kept in a special permanent file.

(d) When an applicant does not submit the minimum documentation required by the regulations for delayed registration or when the State registrar finds reasons to question the validity or adequacy of the certificate or the documentary evidence, the State registrar shall not register the delayed certificate and shall advise the applicant of the reason for this action.

The department of health may by regulation provide for the dismissal of an application which is not actively prosecuted.”

3. By adding two new sections to Part I to read:

“Sec. 338- Judicial procedure to establish facts of birth.

(a) If a delayed certificate of birth is rejected under Section 338-15, a

petition may be filed with the circuit court for an order establishing a record of the date and place of the birth and the parentage of the person whose birth is to be registered.

(b) The petition shall be accompanied by a statement of the registration official made in accordance with Section 338-16(d) and all documentary evidence which was submitted to the registration official in support of such registration.

(c) The court shall fix a time and place for hearing the petition and shall give the registration official who refused to register the petitioner's delayed certificate of birth fifteen days' notice of said hearing. Such official, or his authorized representative, may appear and testify in the proceeding.

(d) If the court from the evidence presented finds that the person for whom a delayed certificate of birth is sought was born in this State, it shall make findings as to the place and date of birth, parentage, and such other findings as the case may require and shall issue an order to establish a record of birth.

(e) The clerk of the court shall forward a copy of the order to the State registrar of vital statistics not later than the 10th day of the calendar month following the month in which it was entered. Such order shall be registered by the State registrar of vital statistics in accordance with section 338-13.

Sec. 338- Delayed registration of death, fetal death, marriage, and divorce.

(a) When a death, fetal death, marriage, or divorce occurring in this State has not been registered, a certificate may be filed in accordance with regulations of the department of health. Such certificate shall be registered subject to such evidentiary requirements as the department shall by regulation prescribe to substantiate the alleged facts of death, fetal death, or marriage or divorce.

(b) Certificates of death, fetal death, marriage or divorce registered one year or more after the date of occurrence shall be marked 'delayed' and shall show on the face the date of the delayed registration."

4. By amending Section 338-41 to read:

"Sec. 338-41 Issuance; procedure.

(a) The department of health may make regulations respecting the form of Hawaiian birth certificates and certified copies of such certificates and other matters relating to Hawaii birth certificates as appear necessary and the regulations, when approved and made in accordance with chapter 91, shall have the force of law. The department shall furnish the form of the certificates and copies made therefrom.

(b) Any certificate of Hawaiian birth issued heretofore under or by virtue of any law of the Territory of Hawaii or the State, shall be prima facie evidence of the facts therein stated."

5. By amending Section 338-42 to read:

"Sec. 338-42 Fees. Fees shall be charged in connection with the issuance of the certificates as follows: for every certified copy of a certificate, \$1, and, in addition, 50 cents for each one hundred words or portion thereof

contained in the certificate; provided, that the fees shall not be charged in connection with the issuance of such certificates to children under the age of sixteen years who are permanent inmates of homes or institutions in the State which are supported in whole or in part by public charity or taxation. All such fees collected shall be deposited with the director of finance of the State to the credit of the general fund.”

6. By repealing Section 338-43.

Section 338-43 Perjury. Any applicant or any person, who gives or offers any false testimony, oral or written, under oath, in support or respect of any application for a certificate under section 338-41, shall be deemed guilty of perjury and shall be punishable accordingly.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed matter, or the underscoring.*

SECTION 3. This Act shall take effect upon approval.

(Approved May 19, 1972.)

*Edited accordingly.