

A Bill for an Act Relating to the Termination of Parental Rights by the Family Courts.

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

SECTION 1. Section 571-61, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

“(b) The family courts may terminate the parental rights in respect to any minor as to any legal parent:

- (1) Who has deserted the minor without affording means of identification for a period of at least 90 days or who has voluntarily surrendered the care and custody of the minor to another for a period of at least two years;
- (2) Who, when the minor is in the custody of another, has failed to communicate with the minor when able to do so for a period of at least two years, or has failed to provide for care and support of the minor when able to do so as required by law or judicial decree for a period of at least one year;
- (3) Who has neglected, ill treated or abused the minor to such an extent that legally authorized judicial action has been taken pursuant to section 571-11(2) (A), which has resulted in the removal of the minor from the physical custody of the parent;
- (4) Who is found to be mentally ill or mentally retarded to an extent requiring institutional care and therefore incapacitated from giving consent to the adoption of the minor;
- (5) When it is shown to the satisfaction of the court that the legal father of a child is not his natural father or
- (6) Whose child has been removed from his physical custody pursuant to legally authorized judicial action under section 571-11(2) and the family court finds that the parent is not able to provide, and will never be able to provide, the care necessary for the well being of such child.

Such authority may be exercised only when a verified petition, substantially in the form above prescribed, has been filed by some responsible adult person on behalf of the minor in the family court of the circuit in which the parent or the minor resides and the court has conducted a hearing of the petition. A copy of the petition, together with notice of the time and place of the hearing thereof, shall be personally served at least twenty days prior to the hearing upon the parent whose rights are sought to be terminated. In the event that the personal service cannot be effected within the State, service of the notice may be made as provided in section 634-23 or 634-24.”

SECTION 2. Material to be repealed is bracketed.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 material or the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 29, 1974.)

*Edited accordingly.