

ACT 251

H.B. NO. 1438

A Bill for an Act Relating to Names.

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

“§574-5 [How changed.] Change of name: procedure. (a) It shall [not be lawful] be unlawful to change any name adopted or conferred under this chapter, except:

- (1) [upon] Upon an order of the lieutenant governor; [which order shall be founded upon a petition executed by the person desirous of changing his or her name, or, in the case of a minor, by the parents or by such parent who has custody of the minor, with the consent of the noncustodial parent, or by the guardian of the person of the minor, which petition shall be accompanied by the payment of filing costs in the amount of \$5, and shall be published once in a newspaper of general circulation in the State in such order mentioned, and the petitioner shall deposit in the office of the lieutenant governor an affidavit executed by an officer of the newspaper publishing the order, the affidavit to show that the order has been published as provided herein, and to have attached thereto a clipping showing the order as published, or
- (2) by the person desirous of changing his or her name, which petition shall be accompanied by the payment of filing costs in the amount of \$5 and an affidavit executed by a prosecuting attorney of this State, the affidavit to show that for the protection of the person desirous of

changing his or her name, the requirement of publication in a newspaper of general circulation in the State, the recordation in the bureau of conveyances, and the report to the registrar of births of such order shall not be necessary, or

- (3) by any court or judge of competent jurisdiction, embodying in a decree of adoption a provision for change of name of the person adopted, or embodying in a decree of divorce a provision that either party may upon the divorce resume the surname used by him or by her prior to the marriage or a surname declared and used during any prior marriage,] or
- (2) By a final order, decree, or judgment of family court issued as follows:
 - (A) When in an adoption proceeding a change of name of the person to be adopted is requested and the court includes the change of name in the adoption decree; or
 - (B) When in a divorce proceeding either party to the proceeding requests to resume the surname used by him or by her prior to the marriage or a surname declared and used during any prior marriage and the court includes the change of name in the divorce decree;

(3) Upon marriage pursuant to section 574-1; or

(4) [upon] Upon legitimation pursuant to section 338-21.

(b) The order of change of name by the lieutenant governor shall be founded upon a notarized petition. The petition shall be executed by the person desirous of making the change of name. In the case of a minor, the petition shall be executed:

(1) By the parents;

(2) By the parent who has custody of the minor with the notarized consent of the noncustodial parent; or

(3) By the guardian of the person of the minor.

(c) The filing fee of \$5 shall accompany the petition when submitted.

(d) The order of the lieutenant governor shall be published once in a newspaper of general circulation in the State as mentioned in the order, and the petitioner shall deposit at the office of the lieutenant governor an affidavit executed by an officer of the newspaper publishing the order showing that the order has been published therein. The affidavit shall have attached to it a clipping showing the order as published.

(e) When the petition is accompanied by an affidavit executed by a prosecuting attorney of this State, the affidavit shall show that for the protection of the person desirous of making a change of name, the following actions shall not be necessary:

(1) Publication in a newspaper of general circulation in the State;

(2) Recordation in the bureau of conveyances; and

(3) Reporting to the registrar of births.

The petition, affidavit, and order shall be kept confidential.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

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

ACT 251

(Approved June 9, 1983.)