

A Bill for an Act Relating to Vital Statistics.

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

SECTION 1. Section 338-17.7, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

“(a) The director of health shall establish a new birth certificate for a person born in this State upon receipt of a certified copy of a court determination of paternity together with a request from [the natural mother] the parent or person having legal custody of the child that such new certificate be prepared. [The surname of the child shall be that of the mother unless the decree or request provided otherwise.]”

SECTION 2. Section 338-21, Hawaii Revised Statutes, is amended by amending subsection (a) to read:

“(a) All children born out of wedlock, irrespective of the marriage of either parent to another, become legitimate (1) on the marriage of the parents with each other, (2) on the voluntary, written acknowledgment of paternity by the father and mother, or (3) on establishment of the parent and child relationship under chapter 584, and are entitled to the same rights as those born in wedlock and shall take the surname so stipulated by their parents or, if the parents do not agree on the surname, shall take the surname [of the father.] specified by a court of competent jurisdiction to be the surname that is in the best interests of the child. If legitimation is accomplished before the original certificate of birth is filed with the department of health, the original certificate of birth shall contain the name so stipulated. The child or children or the parents thereof may petition the department of health to issue a new certificate of birth in the new name of the legitimated child, and the department shall issue the new certificate of birth upon being satisfied that the child or children has or have been legitimated.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act, upon its approval, shall take effect retroactive to May 28, 1980.

(Approved May 19, 1983.)