

ACT 167

S.B. NO. 1516-84

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 to read:

“§338-17.7 Establishment of new certificates of birth, when. [(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 parent or person having legal custody of the child that such new certificate be prepared.

(b) A new certificate of birth shall be prepared by the director of health for a child or children legitimated as provided in section 338-21.

(c) A new certificate of birth shall be prepared by the director of health for a child or children born in a foreign country upon compliance with section 338-20.5.

(d) A new certificate of birth shall be prepared by the director of health for a person born in the State upon receipt of an affidavit by a physician that he has examined the person and has found that the sex item on the person's birth certificate was entered incorrectly.

(e) A new certificate of birth shall be prepared by the director of health for a person born in the State upon receipt of an affidavit of a physician that he has examined the person who has had a sex change operation and that by reason of the operation the sex designation on such person's birth record should be changed. The director of health may make a further investigation or require any further information he deems necessary.

(f) A new certificate of birth shall be prepared by the director of health for a person born in the State upon showing by a law enforcement agency that such issuance would provide for the safety of such person. The new certificate of birth shall contain such information as requested by such law enforcement agency.]

(a) The department of health shall establish, in the following circumstances, a new certificate of birth for a person born in this State who already has a birth certificate filed with the department and who is referred to below as the "birth registrant":

- (1) Upon receipt of documents showing that the birth registrant has been legitimated pursuant to section 338-21, together with a request from the birth registrant, or the birth registrant's parent or other person having legal custody of the birth registrant, that a new birth certificate be prepared because previously recorded information has been altered pursuant to law;
- (2) Upon receipt of a certified copy of a final order, judgment, or decree of a court of competent jurisdiction that determined the nonexistence of a parent and child relationship between a person identified as a parent on the birth certificate on file and the birth registrant;
- (3) Upon receipt of a certified copy of a final adoption decree, or of an abstract of the decree, pursuant to sections 338-20 and 578-14;
- (4) Upon receipt of an affidavit of a physician that the physician has examined the birth registrant and has determined the following:

- (A) The birth registrant's sex designation was entered incorrectly on the birth registrant's birth certificate; or
- (B) The birth registrant has had a sex change operation and the sex designation on the birth registrant's birth certificate is no longer correct; provided that the director of health may further investigate and require additional information that the director deems necessary; or
- (5) Upon request of a law enforcement agency certifying that a new birth certificate showing different information would provide for the safety of the birth registrant. Notwithstanding subsection (b), in such instance, the new birth certificate shall contain such information as requested by the law enforcement agency, shall be assigned a new number and filed accordingly, and shall not substitute for the birth registrant's original birth certificate, which shall remain in place.

[(g)] (b) When a new certificate of birth is established under this section, it shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence supporting the preparation of the new certificate shall be sealed and filed. Such sealed document shall be opened only by an order of a court of record."

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

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

(Approved May 26, 1984.)