

ACT 201

H.B. NO. 2363-86

A Bill for an Act Relating to Family Court.

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

SECTION 1. Section 578-2, Hawaii Revised Statutes, is amended by amending subsection (c)(2)¹ to read as follows:

“(c) Persons as to whom consent not required or whose consent may be dispensed with by order of the court.

(1) Persons as to whom consent not required:

- (A) A parent who has deserted a child without affording means of identification for a period of ninety days;
- (B) A parent who has voluntarily surrendered the care and custody of the child to another for a period of two years;

- (C) A parent of the child in the custody of another, if the parent for a period of at least one year has failed to communicate with the child when able to do so;
 - (D) A parent of a child in the custody of another, if the parent for a period of at least one year has failed to provide for the care and support of the child when able to do so;
 - (E) A natural father who was not married to the child's mother at the time of the child's conception or birth and who does not fall within the provisions of subsection (a)(3) or (4) or (5);
 - (F) A parent whose parental rights have been judicially terminated under the provisions of sections 571-61 to 571-63, or under the provisions of any other state or other law by a court or other agency having jurisdiction to take such action;
 - (G) A parent judicially declared mentally ill or mentally retarded and who is found by the court to be incapacitated from giving consent to the adoption of the child;
 - (H) Any legal guardian or legal custodian of the child sought to be adopted, other than a parent, who has failed to respond in writing to a request for consent for a period of sixty days or who, after examination of his written reasons for withholding consent, is found by the court to be withholding his consent unreasonably;
 - (I) A parent of a child who has been in the custody of a petitioner under this chapter for a period of at least one year and who entered the United States of America as a consequence of extraordinary circumstances in said child's country of origin, by reason of which extraordinary circumstances the existence, identity or whereabouts of said child's parents is not reasonably ascertainable or there is no reasonable means of obtaining suitable evidence of the child's identity or availability for adoption;
 - [(J)]¹ Any parent of the individual to be adopted, if the individual is an adult eligible for adoption under subsection (b).
- (2) Persons whose consent may be dispensed with by order of the court. The court may dispense with the consent of a parent who comes within subsection (a)(3) or (4) or (5) herein, upon finding that:
- (A) The petitioner is the stepfather of the child and the child has lived with his legal mother and the petitioning stepfather for a period of at least one year; or
 - (B) The [adjudicated, presumed, or] concerned father has not filed a petition to adopt such child, or the petition to adopt said child filed by said father has been denied; or
 - (C) The adjudicated, presumed, or concerned father is not a fit and proper person or is not financially or otherwise able to give the child a proper home and education."

SECTION 2. Statutory material to be repealed is bracketed.

SECTION 3. This Act shall take effect upon approval.

(Approved May 19, 1986.)

Note

- 1. So in original.