

ACT 250

H.B. NO. 105

A Bill for an Act Relating to Names.

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

SECTION 1. Section 574-5, Hawaii Revised Statutes, is amended by amending subsections (a) and (e) to read as follows:

1. Subsection (a) is amended to read:

“(a) It shall be unlawful to change any name adopted or conferred under this chapter, except:

- (1) Upon an order of the lieutenant governor;
- (2) By a final order, decree, or judgment of the 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; or
 - (C) When in a proceeding for a change of name of a legitimate or legitimated minor initiated by one parent, the family court, upon proof that the parent initiating the name change has made all reasonable efforts to locate and notify the other parent of the name change proceeding but has not been able to locate, notify, or elicit a response from the other parent, and after an appropriate hearing, orders a change of name determined to be in the best interests of the minor;
- (3) Upon marriage pursuant to section 574-1; [or]
- (4) Upon legitimation pursuant to section 338-21[.]; or
- (5) By an order or decree of any court of competent jurisdiction within any state of the United States, the District of Columbia,

the Commonwealth of Puerto Rico, or any territory or possession of the United States, changing the name of a person born in this State.”

2. Subsection (e) is amended to read:

“(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; and
- (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. Section 574-6, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) In all cases of change of name by order of the lieutenant governor, except as otherwise provided by law, the order shall be [filed as follows:

- (1) For persons born in this State the order shall be both recorded in the bureau of conveyances and reported to the state registrar within sixty days after the signing of the order, and
- (2) For persons born outside of this State, the order shall be recorded in the bureau of conveyances within sixty days after the signing of the order.] recorded in the bureau of conveyances within sixty days after the signing of the order.”

SECTION 3. Section 571-11, Hawaii Revised Statutes, is amended to read as follows:

“**§571-11 Jurisdiction; children.** Except as otherwise provided in this chapter, the court shall have exclusive original jurisdiction in proceedings:

- (1) Concerning any person who is alleged to have committed an act prior to achieving eighteen years of age which would constitute a violation or attempted violation of any federal, state, or local law or municipal ordinance. Regardless of where the violation occurred, jurisdiction may be taken by the court of the circuit where the person resides, is living, or is found, or in which the offense is alleged to have occurred.
- (2) Concerning any child living or found within the circuit:
 - (A) Who is neglected as to or deprived of educational services because of the failure of any person or agency to exercise that degree of care for which it is legally responsible;
 - (B) Who is beyond the control of the child’s parent or other custodian or whose behavior is injurious to the child’s own or others’ welfare;
 - (C) Who is neither attending school nor receiving educational services required by law whether through the child’s own misbehavior or nonattendance or otherwise; or
 - (D) Who is in violation or¹ curfew.
- (3) To determine the custody of any child or appoint a guardian of the person of any child.
- (4) For the adoption of a person under chapter 578.
- (5) For the termination of parental rights under sections 571-61 to 571-63.

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- (6) For judicial consent to the marriage, employment, or enlistment of a child, when such consent is required by law.
- (7) For the treatment or commitment of a mentally defective, mentally retarded, or mentally ill child.
- (8) Under the Interstate Compact on Juveniles under chapter 852.
- (9) For the protection of any child under chapter 587.
- (10) For a change of name as provided in section 574(a)(2)(C)¹.”

SECTION 3.¹ Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4.¹ This Act shall take effect upon its approval.

(Approved May 29, 1986.)

Note

- 1. So in original.