

## ACT 287

H.B. NO. 2656-86

A Bill for an Act Relating to Names.

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

SECTION 1. Section 338-21, Hawaii Revised Statutes, is amended to read as follows:

**“§338-21 Legitimation.** (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] name so stipulated by their parents or, if the parents do not agree on the [surname,] name, shall take the [surname] name specified by a court of competent jurisdiction to be the [surname] name 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 original certificate of birth, and not a duplicate of the original certificate that has been amended, altered, or modified, in the new name of the legitimated child, and the department shall issue the new original certificate of birth upon being satisfied that the child or children has or have been legitimated. As used in this section “name” includes the first name, middle name or last name.

(b) The evidence upon which the new original certificate is made, and the superceded original certificate, shall be sealed and filed and may be opened only upon order of a court of record.

(c)<sup>1</sup> The legitimation of a child pursuant to subsection (a)(2) or (a)(3) of this section shall not preclude a subsequent legitimation.”

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 Statutory material to be repealed is bracketed.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

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

(Approved May 29, 1986.)

**Note**

1. “(c)” should be underscored.