

## ACT 34

H.B. NO. 227

A Bill for an Act Relating to Parentage.

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

SECTION 1. Section 584-11, Hawaii Revised Statutes, is amended to read as follows:

“**[§584-11] [Blood] Genetic tests.** (a) The court may, and upon request of a party shall, require the child, mother, or alleged father to submit to genetic tests, including blood tests. The tests shall be performed by an expert qualified as an examiner of [blood types,] genetic markers, appointed by the court.

(b) The court, upon reasonable request by a party, shall order that independent tests be performed by other experts qualified as examiners of [blood types.] genetic markers.

(c) In all cases, the court shall determine the number and qualifications of the experts.

(d) “Genetic test” means the testing of inherited or genetic characteristics (genetic markers) and includes blood testing for paternity purposes.”

SECTION 2. Section 584-12, Hawaii Revised Statutes, is amended to read as follows:

“**[§584-12] Evidence relating to paternity.** Evidence relating to paternity may include:

- (1) Evidence of sexual intercourse between the mother and alleged father at any possible time of conception;
- (2) An expert’s opinion concerning the statistical probability of the alleged father’s paternity based upon the duration of the mother’s pregnancy;
- (3) [Blood] Genetic test results, including blood test results, weighted in accordance with evidence, if available, of the statistical probability of the alleged father’s paternity;
- (4) Medical or anthropological evidence relating to the alleged father’s paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and
- (5) All other evidence relevant to the issue of paternity of the child.”

SECTION 3. Section 584-13, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) If a party refuses to accept a recommendation made under subsection (a) and genetic tests, including blood tests have not been taken, the court shall require the parties to submit to [blood] genetic tests, if practicable. Thereafter the judge shall make an appropriate final recommendation. If a party refuses to accept the final recommendation, the action shall be set for trial.”

SECTION 4. Section 584-14, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) In an action against an alleged father, evidence offered by him with respect to a man who is not subject to the jurisdiction of the court concerning his sexual intercourse with the mother at or about the probable time of conception of

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the child shall be admissible in evidence only if he has undergone and made available to the court genetic tests, including blood tests the results of which do not exclude the possibility of his paternity of the child.”

SECTION 5. Section 584-16, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§584-16]]~~ **Costs.** The court may order reasonable fees of counsel, experts, and the child’s guardian ad litem, and other costs of the action and pre-trial proceedings, including [blood] genetic tests, to be paid by the parties in proportions and at times determined by the court. The court may order the proportion of any indigent party to be paid by the State, or such person as the court shall direct.”

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved April 24, 1989.)