

ACT 121

H.B. NO. 934

A Bill for an Act Relating to Names.

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

SECTION 1. Section 574-1, Hawaii Revised Statutes, is amended to read as follows:

“§574-1 Married persons. Upon marriage each of the parties to a marriage shall declare the [surname] middle and last names each will use as a married person. The [surname] last name chosen may be the person’s own, that of the person’s spouse alone or that of the person’s spouse placed before or after the person’s own [surname] last name and separated by a hyphen. The middle name or names chosen may be the person’s last name or the last name of a person’s spouse converted to a middle name or the middle name or names given on the person’s birth certificate or a combination of a middle name or names on a person’s birth certificate and the person’s last name converted to a middle name.”

SECTION 2. Section 574-2, Hawaii Revised Statutes, is amended to read as follows:

“§574-2 Legitimate children. The registrar of births shall register any child born in wedlock as having both a family name and a given name chosen by one of the child’s parents[.], or, if the parents do not agree on the name or names, the name or names specified by a court of competent jurisdiction to be in the best interests of the child; provided that the name or names of the child, if already registered on the birth certificate, need not be changed until the court order specifies otherwise. The registrar shall register any child legitimated, as provided in section 338-21, as having both a family name and a given name chosen by the child’s parents, or, if the parents do not agree on the name or names, the name or names specified by a court of competent jurisdiction to be in the best interests of the child.”

SECTION 3. Section 574-5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“§574-5 Change of name: procedure. (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 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;
 - (B) When in a divorce proceeding either party to the proceeding requests to resume the [surname] middle name or names and the last name used by him or by her prior to the marriage or a [surname] middle name or names and last name declared and used during any prior marriage and the court includes the change of [name] names 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;
- (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.”

SECTION 4. Section 574-4, Hawaii Revised Statutes, is repealed.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon its approval.

(Approved May 16, 1991.)

Note

1. Edited pursuant to HRS §23G-16.5.