

ACT 148

S.B. NO. 2203

A Bill for an Act Relating to Inheritance Rights of Adoptees.

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

SECTION 1. Section 560:2-109, Hawaii Revised Statutes, is amended to read as follows:

**“§560:2-109 Meaning of child and related terms.** (a) If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person:

(1) An adopted person is the child of an adopting parent and not of the natural parents except that [adoption];

(A) Adoption of a child by the spouse of a natural parent has no effect on the relationship between the child and that natural parent[.]; and

(B) Adoption of a child during such child’s minority by the spouse of a natural parent of the child, by a natural grandparent, aunt, uncle, or sibling of the child or the spouse of a natural grandparent, aunt, uncle, or sibling of the child has no effect on the relationship between the child and either natural parent, for the limited purpose of interpretation or construction of a disposition in any will, trust, or other lifetime instrument, whether executed before or after the order of adoption, and for the purposes of determining the heirs at law of a natural family member of the child.

(2) In cases not covered by paragraph (1), a person is the child of those persons specified in section 584-1.

(b) For the purposes of this section, if a person has been adopted more than once, the term “natural parent” includes an adopting parent by an earlier adoption.”

SECTION 2. Section 578-16, Hawaii Revised Statutes, is amended to read as follows:

**“§578-16 Effect of adoption.** (a) A legally adopted individual shall be considered to be a natural child of the whole blood of the adopting parent or parents as provided in the Uniform Probate Code, relating to the descent of property[, and the].

(b) The former legal parent or parents of an adopted individual and any other former legal [relatives or next of kin] kindred shall not be considered to be

related to the individual as provided in the Uniform Probate Code[; and for all other purposes an] except as provided in this section.

(c) An adopted individual and the individual's adopting parent or parents shall sustain towards each other the legal relationship of parents and child, and shall have all the rights and be subject to all the duties of that relationship, including the rights of inheritance from and through each other and the legal kindred of the adoptive parent or parents, the same as if the individual were the natural child of the adopting parent or parents[, and all such].

(d) Except as provided in subsection (e), all legal duties and rights [as] between the individual and the individual's former legal parent or parents shall cease from the time of the adoption; provided that if the individual is adopted by a person married to a legal parent of the individual, the full reciprocal rights and duties which theretofore existed between the legal parent and the individual, and the rights of inheritance as between the individual and the legal parent and the legal relatives of the parent, as provided in chapter 560, shall continue, notwithstanding the adoption, subject only to the rights acquired by and the duties imposed upon the adoptive parents by reason of the adoption.

(e) Notwithstanding subsections (b) and (d), if an individual is adopted before that individual attains the age of majority and:

- (1) The individual is adopted by a spouse of a natural parent of the individual; or
- (2) The individual is adopted by a natural grandparent, aunt, uncle, or sibling of the individual or the spouse of a natural grandparent, aunt, uncle, or sibling;

then for the purposes of interpretation or construction of a disposition in any will, trust, or other lifetime instrument, whether executed before or after the order of adoption, and for purposes of determining heirs at law, the rights of the adopted individual and the individual's descendants with respect to the individual's natural family shall not be affected by the adoption, and they shall be included in any determination of heirs or members of any class, unless specifically excluded by name or class.

(f) An adopted individual, who by reason of subsection (e) would be a member of two or more designations or classes pursuant to a single instrument, both by relationship through a natural parent and through an adoptive parent, shall be entitled to benefit by membership in only one of these designations or classes, which shall be the larger share.

(g) For purposes of this section, if a person has been adopted more than once, the term "natural parent" includes an adopting parent by an earlier adoption.

(h) An individual legally adopted under the laws of any state or territory of the United States or under the laws of any nation shall be accorded the same rights and benefits in all respects as an individual adopted under this chapter."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 4, 1992.)