

**ACT 36**

H.B. NO. 2298

A Bill for an Act Relating to Notice to Children Pursuant to the Child Protective Act.

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

SECTION 1. Section 587A-13, Hawaii Revised Statutes, is amended to read as follows:

“~~§~~587A-13 Summons and service of summons. (a) After a petition has been filed, the court shall issue a summons requiring the presence of the parents and other persons to be parties to the proceeding~~;~~ except the child, as follows:

- (1) A copy of the petition shall be attached to each summons;
- (2) The summons shall notify the parties of their right to retain and be represented by counsel; and
- (3) The summons shall state: “YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILD OR CHILDREN WHO ARE THE SUBJECT OF THE ATTACHED PETITION MAY BE TERMINATED IF YOU FAIL TO APPEAR ON THE DATE SET FORTH IN THIS SUMMONS.”

(b) The court may issue a summons to a parent or any person having physical custody of the child to bring the child before the court at the temporary foster custody hearing or the return hearing.

(c) The sheriff or other authorized person shall serve the summons by personally delivering a certified copy to the person or legal entity being summoned. A return on the summons shall be filed, showing the date and time and to whom service was made; provided that:

- (1) If the party to be served does not reside in the State, service shall be made by registered or certified mail addressed to the party's last known address; or
- (2) If the court finds that it is impracticable to personally serve the summons, the court may order service by registered or certified mail addressed to the party's last known address, or by publication, or both. When publication is used, the summons shall be published once a week for four consecutive weeks in a newspaper of general circulation in the county in which the party was last known to have resided. In the order for publication of the summons, the court shall designate the publishing newspaper and shall set the date of the last publication at no less than twenty-one days before the return date. Such publication shall have the same force and effect as personal service of the summons.

(d) The petitioner shall notify the child of a hearing under this section no less than twenty-four hours prior to the time set for a temporary foster custody hearing, or no less than forty-eight hours prior to the time set for any other hearing.

~~(e)~~ (e) Service shall be completed no less than twenty-four hours prior to the time set forth in the summons for a temporary foster custody hearing, or no less than forty-eight hours prior to the time set forth in the summons for any other hearing, unless the party was present when ordered by the court to appear at the hearing.

~~(e)~~ (f) The court may issue a warrant for the appearance of a person or child, as well as issue an order pursuant to section 587A-16(b), if:

- (1) The summons cannot be personally served;
- (2) The person served fails to obey the summons;
- (3) The court finds that service will not be effective; or
- (4) The court finds that the best interests of the child require that the child be brought into the custody of the court.”

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

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

(Approved April 23, 2014.)