

ACT 83

H.B. NO. 2281

A Bill for an Act Relating to Service by Publication in Paternity Cases.

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

SECTION 1. Section 584-8, Hawaii Revised Statutes, is amended to read as follows:

“§584-8 Jurisdiction; venue. (a) Without limiting the jurisdiction of any other court, the family court has jurisdiction of an action brought under this chapter. The action may be joined with an action for divorce, annulment, separate maintenance, or support.

(b) A person who has sexual intercourse in this State thereby submits to the jurisdiction of the courts of this State as to an action brought under this chapter with respect to a child who may have been conceived by that act of intercourse. In addition to any other method provided by statute, personal jurisdiction may be acquired by personal service outside this State or by service by certified or registered mail, postage prepaid, with return receipt requested.

(c) In addition to any other method of service provided by statute or court rule, if the [defendant] respondent is not found within the circuit, service may be effectuated by registered or certified mail, with request for a return receipt and direction to deliver to addressee only. The return receipt signed by the [defendant] respondent shall be prima facie evidence that the [defendant] respondent accepted delivery of the complaint and summons on the date set forth on the receipt. For service effectuated by registered or certified mail, an electronic copy or facsimile of the signature of the served individual on certified mailers provided by the United States Postal Service shall constitute valid proof of service on the individual. Actual receipt by the [defendant] respondent of the complaint and summons sent by registered or certified mail shall be the equivalent to personal service on the [defendant] respondent by an authorized process server as of the date of the receipt.

(d) If it appears that the respondent has refused to accept service by registered or certified mail or is concealing oneself or evading service, or the petitioner does not know the address or residence of the respondent and has not been able to ascertain the same after reasonable and due inquiry and search, the court may authorize notice of the paternity action and the time and date of hearing by publication or by any other manner that is reasonably calculated to give the party actual notice of proceedings and an opportunity to be heard, including the following:

- (1) When publication is authorized, the summons shall be published once a week for four consecutive weeks in a publication of general circulation in the circuit. The publication of general circulation shall be designated by the court in the order for publication of the summons. Notice by publication shall have the same force and effect as such person having been personally served with the summons; provided that the date of the last publication shall be set not less than twenty-one days prior to the return date stated in the summons. Proof of service shall be satisfied by an affidavit or declaration by the authorized representative for the publication that the notice was given in the manner prescribed by the court.
- (2) When posting to an online publication website is authorized, proof of service shall be satisfied by an affidavit or declaration by the au-

thorized representative for the publication that the notice was given in the manner prescribed by the court.

(3) When service by electronic mail or posting to a social networking account is authorized, proof of service shall be satisfied by an affidavit or declaration by the process server that the notice was given in the manner prescribed by the court.

(4) When service is made by posting to a public bulletin board, proof of service shall be satisfied by an affidavit or declaration by the process server that the notice was given in the manner prescribed by the court.

~~[(d)]~~ (e) The action may be brought in the county in which the child, the mother, or the alleged father resides or is found or in which the child was born or, if the father is deceased, in which proceedings for probate of ~~[[the father's]]~~ estate have been or could be commenced.

~~[(e) For service effectuated by registered or certified mail, an electronic copy or facsimile of the signature of the served individual on certified mailers provided by the United States Postal Service shall constitute valid proof of service on the individual.]”~~

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 June 21, 2016.)