

Honolulu, Hawaii

MAR - 1 2013

RE: S.B. No. 516
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 516 entitled:

"A BILL FOR AN ACT RELATING TO PATERNITY,"

begs leave to report as follows:

The purpose and intent of this measure is to remove the time
bar on actions to declare the existence or nonexistence of a
father and child relationship for certain proceedings.

Your Committee received testimony in support of this measure
from the Legal Aid Society of Hawai'i.

Your Committee finds that according to the testimony
submitted by the Legal Aid Society of Hawaii, many people in
Hawaii seek to establish paternity for various purposes, including
Hawaiian ancestry purposes to take advantage of programs and
public benefits for themselves and for their children. Existing
law does not permit a litigant to establish paternity if the given
time periods have expired. This measure removes the time bar on
actions to declare the existence or nonexistence of a father and
child relationship for certain proceedings.

However, according to the Legal Aid Society of Hawaii, it is
a common practice of the Family Court to permit a litigant who
fails to meet the time bar requirements under law to file a
paternity action for good cause shown. The Legal Aid Society of
Hawaii indicated in its written testimony that although the intent
of this measure is to remove the time bar on filing a paternity



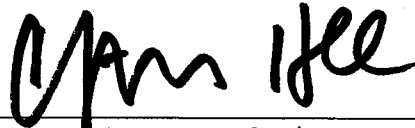
action, the amendments remove the court's power to hear paternity actions except for cases involving adoptions, and the Legal Aid Society of Hawaii has suggested amendments to accurately reflect the intent of this measure.

Your Committee has amended this measure by:

- (1) Adopting the amendments submitted by the Legal Aid Society of Hawaii to clarify that the time bar on paternity actions may be removed by the court for good cause shown;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 516, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 516, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



CLAYTON HEE, Chair



