
A BILL FOR AN ACT

RELATING TO SERVICE BY PUBLICATION IN PATERNITY CASES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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

3 "§584-8 Jurisdiction; venue. (a) Without limiting the
4 jurisdiction of any other court, the family court has
5 jurisdiction of an action brought under this chapter. The
6 action may be joined with an action for divorce, annulment,
7 separate maintenance, or support.

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

16 (c) In addition to any other method of service provided by
17 statute or court rule, if the [~~defendant~~] respondent is not
18 found within the circuit, service may be effectuated by



1 registered or certified mail, with request for a return receipt
2 and direction to deliver to addressee only. The return receipt
3 signed by the [~~defendant~~] respondent shall be prima facie
4 evidence that the [~~defendant~~] respondent accepted delivery of
5 the complaint and summons on the date set forth on the receipt.
6 For service effectuated by registered or certified mail, an
7 electronic copy or facsimile of the signature of the served
8 individual on certified mailers provided by the United States
9 Postal Service shall constitute valid proof of service on the
10 individual. Actual receipt by the [~~defendant~~] respondent of the
11 complaint and summons sent by registered or certified mail shall
12 be the equivalent to personal service on the [~~defendant~~]
13 respondent by an authorized process server as of the date of the
14 receipt.

15 (d) If it appears that the respondent has refused to
16 accept service by registered or certified mail or is concealing
17 oneself or evading service, or the petitioner does not know the
18 address or residence of the respondent and has not been able to
19 ascertain the same after reasonable and due inquiry and search,
20 the court may authorize notice of the paternity action and the
21 time and date of hearing by publication or by any other manner



1 that is reasonably calculated to give the party actual notice of
2 proceedings and an opportunity to be heard, including the
3 following:

4 (1) When publication is authorized, the summons shall be
5 published once a week for four consecutive weeks in a
6 publication of general circulation in the circuit.
7 The publication of general circulation shall be
8 designated by the court in the order for publication
9 of the summons. Notice by publication shall have the
10 same force and effect as such person having been
11 personally served with the summons; provided that the
12 date of the last publication shall be set not less
13 than twenty-one days prior to the return date stated
14 in the summons. Proof of service shall be satisfied
15 by an affidavit or declaration by the authorized
16 representative for the publication that the notice was
17 given in the manner prescribed by the court.

18 (2) When posting to an online publication website is
19 authorized, proof of service shall be satisfied by an
20 affidavit or declaration by the authorized



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

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

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

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

18 ~~[-(e)]~~ ~~For service effectuated by registered or certified~~
19 ~~mail, an electronic copy or facsimile of the signature of the~~
20 ~~served individual on certified mailers provided by the United~~



1 ~~States Postal Service shall constitute valid proof of service on~~
2 ~~the individual.] "~~

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

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



Report Title:

Service of Process; Notice; Paternity Cases

Description:

Amends the Uniform Parentage Act to allow for service 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 when respondents cannot be located or personally served. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

