

JAN 25 2023

A BILL FOR AN ACT

RELATING TO ADOPTION.

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

1 SECTION 1. The legislature finds that the effect of
2 adoption as provided for under state law impacts the ability for
3 an adopted individual or the individual's natural family to
4 succeed to a homestead lease or application on the department of
5 Hawaiian home lands applicant waiting list. The purpose of this
6 Act is to allow an adopted individual to benefit both by
7 relationship through a natural parent and through an adoptive
8 parent while also allowing the adopted individual and member of
9 the individual's natural family to continue to have the same
10 familial relationship. This Act does not affect other
11 requirements under the Hawaiian Homes Commission Act, 1920, as
12 amended, or administrative rules beyond recognition of
13 relationship between individuals. This Act does not create
14 further exception to the complete termination of a natural
15 parent's rights.

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

1 "§578-16 Effect of adoption. (a) A legally adopted
2 individual shall be considered to be a natural child of the
3 whole blood of the adopting parent or parents as provided in the
4 Uniform Probate Code, relating to the descent of property.

5 (b) The former legal parent or parents of an adopted
6 individual and any other former legal kindred shall not be
7 considered to be related to the individual as provided in the
8 Uniform Probate Code except as provided in this section.

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

17 (d) Except as provided in subsection (e), all legal duties
18 and rights between the individual and the individual's former
19 legal parent or parents shall cease from the time of the
20 adoption; provided that, if the individual is adopted by a
21 person married to a legal parent of the individual, the full
22 reciprocal rights and duties [~~which~~] that theretofore existed

1 between the legal parent and the individual, and the rights of
2 inheritance as between the individual and the legal parent and
3 the legal relatives of the parent, as provided in chapter 560,
4 shall continue, notwithstanding the adoption, subject only to
5 the rights acquired by and the duties imposed upon the adoptive
6 parents by reason of the adoption.

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

10 (1) The individual is adopted by a spouse of a natural
11 parent of the individual; or

12 (2) The individual is adopted by a natural grandparent,
13 aunt, uncle, or sibling of the individual or the
14 spouse of a natural grandparent, aunt, uncle, or
15 sibling;

16 then for the purposes of interpretation or construction of a
17 disposition in any will, trust, or other lifetime instrument,
18 whether executed before or after the order of adoption, and for
19 purposes of determining heirs at law, the rights of the adopted
20 individual and the individual's descendants with respect to the
21 individual's natural family shall not be affected by the
22 adoption, and they shall be included in any determination of

1 heirs or members of any class, unless specifically excluded by
2 name or class.

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

9 (g) An adopted person shall be considered as a child of
10 both the adopted and natural parents for the sole purpose of
11 determining familial relationships, including the identification
12 of successors to lessees and conditions of leases under sections
13 208 and 209 of the Hawaiian Homes Commission Act, 1920, as
14 amended.

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

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

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

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

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INTRODUCED BY: 

6

BY REQUEST

S.B. NO. 1356

Report Title:

Department of Hawaiian Home Lands; Adoption

Description:

Allows an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent in a disposition or other designation as provided for in accordance with the Hawaiian Homes Commission Act, 1920, as amended, or administrative rules. Allows the adopted individual and individual's natural family to continue having the same familial relationship.

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

SB. NO. 1356

JUSTIFICATION SHEET

DEPARTMENT: Hawaiian Home Lands

TITLE: A BILL FOR AN ACT RELATING TO ADOPTION.

PURPOSE: To allow an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent in a disposition or other designation provided for in accordance with the Hawaiian Homes Commission Act, 1920, as amended, or administrative rules while also allowing the adopted individual and individual's natural family to continue to have the same familial relationship.

MEANS: Amend section 578-16, Hawaii Revised Statutes.

JUSTIFICATION: The effect of adoption could impact the ability for an adoptive individual to succeed to a homestead lease, to qualify as an applicant on the Department's waiting list, or succeed to an applicant's application on the Department's waiting list. This bill allows an adopted individual to benefit both by relationship through a natural parent and an adoptive parent while also permitting the adopted individual and member of the individual's natural family to continue to have the same familial relationship.

Impact on the public: This bill further protects the interest of beneficiaries of the Hawaiian Homes Commission Act, 1920, as amended, by allowing an adopted individual to benefit both by relationship through a natural parent and through an adoptive parent.

Impact on the department and other agencies: This bill could minimize any amendments that could have a detrimental impact to the general public while addressing the nuances specific to the department.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: HHL 625.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.