



*The Judiciary, State of Hawaii*

**Testimony to the Senate Committee on Judiciary and Labor**

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

Friday, February 26, 2016, 10:00 a.m.  
State Capitol, Conference Room 016

By

**WRITTEN TESTIMONY ONLY**

R. Mark Browning  
Senior Judge, Deputy Chief Judge  
Family Court of the First Circuit

---

**Bill No. and Title:** Senate Bill No. 2883, Relating to Amending Identity of Registrant's Parent on a Birth Certificate

**Purpose:** Clarifies that amendments to birth records that change parenthood shall not be conducted through the Uniform Information Practices Act procedures to correct personal records, but must be pursuant to a court order of appropriate jurisdiction or other legal establishment of parenthood.

**Judiciary's Position:**

The Judiciary takes no position on this bill.

However, we wish to clarify certain statements made in the bill's Justification Sheet. It suggests that "some" courts have changed "the original information on their birth records to establish parenthood by someone other than their listed parents." The Justification Sheet also suggests that "some" courts subscribe to a statutory interpretation that would enable a "nightmarish" scenario.

We wish to report that there were only 3 circuit court cases involving 5 petitioners whose ages ranged from 35 to 65. In one case, 3 petitioners wanted their original birth certificates



Senate Bill No. 2883, Relating to Amending Identity of Registrant's Parent on a Birth Certificate

Senate Committee on Judiciary and Labor

Friday, February 26, 2016, 10P:00 a.m.

Page 2

unsealed and corrected. Those petitioners were not seeking to alter any relationships created by adoption. In the second case, the petitioner wanted to add the biological father's name to the birth certificate (this case settled and DOH corrected the birth certificate voluntarily). In the last case, the court determined that competing presumptions were involved (biological father vs. presumed father) and issued an order deciding the matter.

We respectfully submit this clarification, in response to the Justification Sheet, to ensure the Legislature and the public that the courts respect all parties, both individuals and governmental entities, and work to fairly decide cases according to the law and the particular facts of each case.

Thank you for the opportunity to submit this testimony.