



***The Judiciary, State of Hawaii***

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

Senator Gilbert S. C. Keith-Agaran, Chair

Senator Karl Rhoads, Vice Chair

Wednesday, February 1, 2017, 9:00 a.m.

State Capitol, Conference Room 016

By

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Family Court of the First Circuit

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 645, Relating to Service of Process.

**Purpose:** Provides for service by publication or other manner in Family Court proceedings.

**Judiciary's Position:**

The Judiciary takes no position on this bill. We wish to respectfully suggest that the language regarding electronic service track the language of Act 83 of 2016 (House Bill No. 2281, SD 1) (relating to service by publication in paternity cases). Additionally, because statutorily required confidentiality required by the various statutes, we also respectfully suggest an additional subsection.

First, in the current bill, on pages 4, 6, 8, 9, 10, the court is authorized to permit service:

“Via electronic means, such as electronic mail or posting to a social networking account or online publication website.”



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Allowing electronic notice is not yet an established practice in our State and we respectfully suggest that using consistent language across statutes would promote a more orderly establishment of such a practice. To that end, we wish to point out the language used in Act 83 of 2016 for this Committee's consideration:

“§584-8 Jurisdiction; venue.

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(d) (2) When posting to an online publication website is authorized, 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.

(d) (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.

(d)(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.”

Second, we respectfully propose an additional subsection to be inserted at p.4, after line 3; p. 6, after line 8; p.8, after line 8; p.9, after line 15; p.10, after line 9:

(3) Notice under this section shall exclude personal information as defined by court rule.

**This proposed language refers to “personal information” as defined in Rule 2.19 of the Hawaii Court Records Rules, as follows:**

2.19. Personal information means social security numbers, dates of birth (except for traffic citations), names of minor children, bank or investment account numbers, medical and health records, and social service reports. To the extent a social security or account number is required in an accessible document, the last 4 digits may



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be displayed, provided that no more than half of the social security or account digits are disclosed. To the extent a birthdate is required in an accessible document, the birth year may be displayed. Except as provided in Rule 9.1, to the extent the name of a minor is required in an accessible document, the initials of the minor may be displayed. To the extent a complete social security number, account number, birthdate, or name of a minor child is required for adjudication of a case, the complete number or birthdate shall be submitted in accordance with Rule 9.1 of these rules. (*Amended June 21, 2012, effective September 1, 2012*)

Thank you for the opportunity to provide comments on this measure.