



*The Judiciary, State of Hawai'i*

**Testimony to the Senate Committee on Judiciary**

Senator Karl Rhoads, Chair  
Senator Glenn Wakai, Vice Chair

Thursday, February 14, 2019, 9:30 am  
State Capitol, Conference Room 016

By

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**Bill No. and Title:** Senate Bill No. 723, Relating to the Uniform Parentage Act

**Purpose:** Allows parties to a case brought under the Uniform Parentage Act to petition the court to consolidate multiple cases, motions, or petitions involving siblings with the same parents into a single case or add siblings with the same parents to a case, motion, or petition, without having to file a new case, motion, or petition. Requires the Judiciary to post the titles of all filings and all minutes in paternity cases to the Judiciary's website after redacting any information in which an individual has a significant privacy interest.

**Judiciary's Position:**

The Judiciary appreciates the intent of this bill to streamline family court processes and make them accessible where appropriate to do so, and respectfully offers the following comments and concerns with the current draft of the bill.

1. Rather than addressing this issue in isolation by carving out an exception to the confidentiality provision, perhaps further investigation and discussion should occur more broadly in the context of all pertinent portions of the Uniform Parentage Act (2017). As this committee is aware, HRS Chapter 584 was adopted based upon the Uniform Parentage Act (1973).



The legislature deemed paternity cases confidential and it has the authority to reverse its policy if such a change is warranted. The primary issue with this particular bill is that the public will gain access to paternity case information that HRS § 584-20 seeks to protect.

- Section 1 (Consolidation of Cases):** Although limited to paternity cases involving the same parents the bill requires an automatic consolidation of cases, motions, or petitions based upon a party's "request". Due Process concerns arise due to the fact that the term "request" is not defined and it appears that the bill contemplates no formal filing, notice or the opportunity to be heard on said request.

Currently, a party may move the court to consolidate paternity cases under Rule 42 of the Hawaii Family Court Rules. Such a motion would be filed and served on all parties to the case. Thereafter, the court would hold a hearing on the motion to give the parties an opportunity to be heard and provide a decision as to whether said cases should be consolidated.

- Section 2 (Amending HRS § 584-20):** The bill appears to mandate the posting on the Judiciary's website the "titles of all court filings and the minutes of court proceedings in cases..." for paternity cases filed after the effective date. This requirement is inconsistent with the confidentiality protections that HRS §584-20 provides. In order to list the title of all documents under a "case", the parties to the case will need to be identified in order to search by first and last name. With regard to the court's minutes, even if the safeguards provided under HRS § 92F-14 are observed, the public will have access to learn the names of the parties to the case, the issue(s) before the court, and the outcome of the hearing. Again, the proposed amendments would be inconsistent with the confidentiality protections.

In addition to the effect on cases that were once confidential, there are costs associated with the implementation of providing online access to cases which would be over and above the Judiciary's current budget. Additional funds must be allocated to pay for the inputting of new cases and changes to the Ho'ohiki website program.

Thank you for the opportunity to testify on this measure.