



The Judiciary, State of Hawai‘i

Testimony to the House Committee on Finance

Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Thursday, March 28, 2019, 3:00 pm
State Capitol, Conference Room 308

by

Christine E. Kuriyama
Deputy Chief Judge, Senior Family Judge
Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 723, S.D.1, H.D.1, Relating to the Uniform Parentage Act.

Purpose: 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, subject to certain circumstances. Establishes the same confidentiality standards for paternity cases as other cases heard by the family court.

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 appreciates the revisions provided by the House Committee on the Judiciary. Notwithstanding, the Judiciary has several concerns with respect to Senate Bill No. 723, S.D.1, H.D.1, and we offer the following comments and requests.

1. **Financial Request:** in response to S.D.1, the Judiciary requested \$100,000 over and above our current budget request in order to comply with this measure. As the Legislature is aware, paternity cases are, and have been confidential since the passage of the Uniform Parentage Act in 1975. Thus, for approximately forty-four (44) years, cases were handled confidentially. While the passage of Senate Bill No. 723 will eliminate this requirement on prospectively filed cases, it will also create new requirements to ensure that certain filings, minutes, etc. are posted on the court's website. Unfortunately, such a drastic change will be at a cost and based upon the



Senate Bill No. 723, S.D.1, H.D.1, Relating to the Uniform Parentage Act
House Committee on Finance
Thursday, March 28, 2019, 3:00 p.m.
Page 2

Judiciary's estimate, the Judiciary is seeking \$100,000 over and above our current budget request to ensure that website access to all newly filed cases comes to fruition. At this time, it is difficult for us to present a specific budget because we do not know what specifically would be included in this bill.

To be clear, the proposal of the bill is to provide information on the court's website that is not currently provided due to the confidentiality requirement of current law. With the elimination of this requirement and express mandate that this information be posted, the Judiciary will incur additional expenses, both internally and by third-party vendors. In summary, the Judiciary respectfully requests that an appropriation of \$100,000 be effective upon the Governor's signature, over and above the budget already requested by the Judiciary.

2. Effective Date: as previously stated in response S.D.1, the Judiciary requests that the effective date of this bill should be no earlier than June 1, 2020. The additional time before this becomes effective is critical for the Judiciary IT for planning, procurement of vendor services, and completion of mandated system changes.

3. We thank the House Committee on Judiciary for including our proposed amendments in H.D.1. However, it was recently brought to our attention that there may be an ambiguity in the bill, regarding the prospective application of the posting requirements in Section 1. Therefore, we want to clarify and request that all provisions of this bill, including the requirements in Section 1, apply to those paternity cases **filed on and after the effective date of this measure.**

4. Lastly, it recently was also brought to our attention that clarification is needed regarding the confidentiality of Family Court records. We note that both committees reference, in their committee reports, establishing the same confidentiality standards for paternity cases as other cases heard by the Family Court. We want to clarify that the confidentiality standards for Family Court cases are governed by the applicable statutes and court rules. The definition of "agency" in HRS Section 92F-3 does not include the non-administrative functions of the courts of this State. Therefore, the standard of "significant privacy interest under section 92F-14" does not apply to these court records.

Thank you for the opportunity to testify on this measure.