The Judiciary, State of Hawaiʻi

Testimony to the House Committee on Judiciary
Representative Chris Lee, Chair
Representative Joy A. San Buenaventura, Vice Chair

Monday, March 11, 2019, 2:00 PM
State Capitol, Conference Room 325

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, 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. Establishes the same confidentiality standards for paternity cases as other cases heard by the family court. Effective 3/15/2094. (SD1)

Judiciary's Position:

The Judiciary takes no position on Senate Bill No. 723, S.D.1. We offer the following observations and requests.

1. The provision to allow redaction of information of "an individual [that] has a significant privacy interest under section 92F-14" may be enough to protect such interests for adults. What is needed, though, is a provision that protects the child/ren and the child's/ren's family. We respectfully suggest inclusion of an additional clause to Section 1 of this bill, at page 1, line 9 (note that the suggested language is based on the 2017 version of the Uniform Parentage Act, written by the Uniform Law Commission, access at https://www.uniformlaws.org/viewdocument/final-act-with-comments-61?CommunityKey=c4f37d2d-4d20-4be0-8256-22dd73af068f&tab=librarydocuments).

> ; provided further that, on request of a party and for good cause, the court
> may close a proceeding and records to the public except that the titles of

<u>all court filings for the case and the contents of a final order shall be available for public inspection, with other papers and records available for public inspection only with the consent of the parties or by court order.</u>

2. Prior and current cases decided under the existing statute were predicated on confidentiality of the records. A wholesale lifting of the confidentiality protection will have to also provide for avenues of mitigation. The paternity calendar already has a high percentage of pro se parties. A sense of fairness would dictate that such a fundamental change should not apply retroactively. With regard to the original interests that brought about this bill (i.e., difficulty in finding a party's own case), the Judiciary has begun and will continue to work on effective dissemination of information to the public about accessing confidential records.

We strongly request that HRS Section 584-20 remain in this statute; that it will not be repealed. However, consonant with the intent of this bill, we respectfully suggest the inclusion of the following new section (c), at page 3, line 12:

<u>(c) Provided, however, that sections (a) and (b) shall not apply to cases filed on and after the effective date of this Act.</u>

3. The "sea change" created by this bill will require additional resources that the court does not have and did not include in our current budget requests. At this time, without further research of information technology changes required, we can provide only an estimate of the amount needed to implement S.B. 723, S.D. 1. The Judiciary therefore respectfully makes two requests in this regard.

a. The effective date should be no earlier than June 1, 2020, the estimated time needed by Judiciary IT for planning, procurement of vendor services, and completion of changes needed.

b. As a preliminary estimate, the Judiciary will need an appropriation of $100,000 effective upon the Governor's signature in 2019, over and above the budget already requested by the Judiciary, currently House Bill 510, House Draft 2. Please note that this request is based on the bill being applied prospectively only.

Thank you for the opportunity to testify on this measure.