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SCRU-11-0000582

IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

In the Matter of the
HAWAI‘I FAMILY COURT RULES

ORDER AMENDING THE HAWAI‘I FAMILY COURT RULES

(By: Recktenwald, C.J., McKenna, Eddins, Ginoza, and Devens, JJ.)

IT IS HEREBY ORDERED that Rules 103 and 118 of the Hawai‘i Family Court Rules are amended, effective January 1, 2026, as follows (deleted material is bracketed and stricken; new material is underscored):

Rule 103. PLEADINGS.

(a) and (b). Reserved.

(c) Names. Proof of full legal names shall be required in all cases, unless excused by the judge for good cause.

(1) OF PETITIONERS. The name of the petitioner or petitioners shall be set forth in the title of the action. Wherever names appear in the pleadings, they shall be written in full and without initials. The name of a ~~[married woman]~~ person legally married or who entered into a civil union shall include ~~[her]~~ the person’s first or given name, ~~[her]~~ the person’s middle name, if any, ~~[her]~~ the person’s ~~[maiden]~~ surname prior to the marriage or civil union, and if ~~[she]~~ the person has assumed it, the surname of ~~[her husband]~~ their partner, and the same procedure shall be

required of a widow and of a divorcee who retains the surname of [~~her~~] their former [~~husband~~] spouse or partner.

(2) OF INDIVIDUAL. The title of the action shall not include the name of the individual to be adopted but shall identify the individual only by its sex and date of birth.

In a nonconsent petition, when it is necessary to allege and prove certain grounds which permit dispensing with the consent, the name of the minor child sought to be adopted shall be included in the allegations but not in the title.

(d) **Signing of petition.** Every petition for adoption shall be signed by the petitioner or petitioners and may be executed under penalty of perjury.

(e) **More than one individual in a petition.** The filing of one petition for adoption of more than one individual shall be allowed only when the individuals who are born in or out of wedlock are full siblings and all of the individuals are being adopted by the same petitioner or petitioners. Separate petitions shall be filed when the individuals are born out of wedlock to the same mother but different fathers.

(f) - (h). **Reserved.**

Rule 118. AFFIDAVITS OR DECLARATIONS REQUIRED IN DOCTOR AND OTHER THIRD PERSON PLACEMENT CASES, AND WHEN MOTHER'S AFFIDAVIT OR DECLARATION IS REQUIRED.

(a) **Attorney's affidavit or declaration of birth background.**

In every adoption where placement through a doctor or other qualified non-agency person, is made of a child with proposed adoptive parents to whom the child bears no relationship, the attorney for the petitioner or petitioners shall, before or at the time of the hearing of the petition, file an Affidavit or Declaration of Birth Background with the court containing in substance the following information:

(1) the name and age of the natural mother and the name and age of the natural father, if known;

(2) the name of the child at birth and the place and date of birth;

(3) the marital status of the natural mother at the time of the birth of the child;

(4) the racial backgrounds, physical descriptions, educational backgrounds, occupations, religion and health backgrounds of the natural mother and the natural father;

(5) special requests of either parent relating to placement, if any;

(6) whether or not counseling was provided either parent or reason none was obtained;

(7) the total number of times the attorney saw the natural mother and information regarding the consistency of [~~her~~] the mother's indicated desire to place the child in the manner proposed; and

(8) if the natural mother is an unmarried minor, the name and relationship of the person endorsing ~~[her]~~ the natural mother's consent, if an endorsement is made.

(b) Natural mother's affidavit or declaration of relationship with natural father. In every adoption in which the child sought to be adopted is born out of wedlock where the natural father who has notice of the birth or expected birth of the child has not given his written consent, in order for the court to determine whether the consent of the natural father is not required or may be dispensed with or whether or not notice of the adoption proceeding must be given to the natural father, the natural mother shall, before the hearing, sign an affidavit or declaration containing the following information regarding ~~[her]~~ the natural mother's relationship with the natural father:

(1) whether or not the natural father knew about or was told of the pregnancy and/or the birth of the child;

(2) whether or not the natural mother and the natural father cohabited with each other before or after the birth of the child and, if so, for what duration;

(3) whether or not the natural father contributed toward the hospital and medical expenses in connection with the birth of the child and, if so, how much and, if ~~[he]~~ the natural father did not, who did pay such expenses;

(4) whether or not the natural father has contributed toward the support of the child and, if so, to what extent and, if not, who did support said child;

(5) whether or not the natural mother filed any parentage action against the alleged natural father and, if so, whether or not the alleged natural father was adjudicated to be the natural father of the child; and

(6) whether or not the name of father appears on the child's birth certificate. The affidavit or declaration shall be presented to the judge for review prior to the filing of the petition.

(c) Foreign adoption placement agency's affidavit or declaration. In an adoption where placement is made of a child through a foreign adoption agency, and the mother's affidavit or declaration, as required by (b) of this Rule, is not obtainable, the foreign adoption agency, which placed the child, may submit an affidavit or declaration containing the following:

(1) information the agency possesses relating to the relationship between the natural mother and the natural father;

(2) how the agency possesses this information;

(3) whether or not the natural father ever attempted to contact the child while the child was in the custody of the agency; and

(4) the attempts made by the agency to contact the natural mother to secure the affidavit or declaration required by (b) of this Rule.

The local adoption agency which placed the child with the adoptive parents, in conjunction with the foreign adoption agency, shall submit the affidavit or declaration to the judge for review, together with its report and documents relating to the child to be adopted.

DATED: Honolulu, Hawai'i, July 9, 2025.

/s/ Mark E. Recktenwald

/s/ Sabrina S. McKenna

/s/ Todd W. Eddins

/s/ Lisa M. Ginoza

/s/ Vladimir P. Devens

