



Region Legal Service Office Hawaii
Legal Assistance Department
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Preventative Law Series

Adoption in Hawaii

Adoptions in Hawaii are governed by the Hawaii Revised Statutes (HRS) chapter 578. Any person may be adopted, including adults. An unmarried adult, a stepparent, or a husband and wife jointly may adopt. Adoption petitions are adjudicated by the Family Court of the circuit in which the petitioner resides or is in military, or in which the person to be adopted resides or was born.

Generally, an adoption will not be granted unless both biological parents consent. The Family Court, however, may dispense with a parent's consent under certain circumstances. Two of the most common grounds are when the parent fails to communicate with the child for at least one year and when the parent fails to provide for the care and support of the child for at least one year.

Parents who consent will have three forms to complete: the consent form, a medical history form, and a medical record release form. Only the consent form needs to be notarized. These forms can be executed *before* the adoption petition is filed, which helps in deciding whether the petition will be consent or non-consent petition.

Regardless of whether a parent's consent is necessary, parents must be given legal notice. For consent adoptions, the parent's signed consent satisfies service of process. Process in non-consent cases depends upon the location of the absent parent. If the parent lives in Hawaii, personal service is made through a deputy sheriff, law enforcement officer, or adult who is not a party to the action. If the parent lives outside Hawaii, service is done by certified mail or personal service, but first requires the permission of the Family Court. Service by publication may be made when the parent's whereabouts are unknown, provided the petitioner can show due diligence in trying to locate the absent parent and the Family Court orders service by publication.

The processing time for the Family Court in Honolulu is about three months. The action starts when the petitioner pays a \$175 filing fee and files his petition and other papers with the court. The adoption forms may be found online at www.courts.state.hi.us. Because the forms are numerous and there are several steps involved, which can be confusing, our office will prepare the adoption forms for the client who intends to represent himself or herself. Once all of the paperwork has been submitted, the court clerk will assign a court hearing date, at which the petitioner, spouse (if any), and child should be present. The judge will ask a few questions and grant the petition. The adoption becomes final when the signed adoption

order has been filed by the court. The court clerk will send the child's birth certificate to the originating vital statistics office to have it amended to reflect the child's new name. Also, the name of the biological parent whose rights have been terminated will be replaced by that of the adoptive parent.

From time-to-time, we encounter adoption cases involving children overseas. If the child has been adopted abroad, the client may wish to register the foreign adoption in Hawaii, which entails an adoption proceeding and final hearing. Or, the child may have been admitted to the U.S. for adoption, in which case a private adoption placement agency will be involved. In either instance, the adoption process is similar to a regular adoption proceeding, a primary difference being that the parents' consents will not be necessary. Finally keep in mind that there may be complicated immigration issues when doing an overseas adoption – an attorney should always be consulted.

Children who reside outside Hawaii and who are being brought to Hawaii for the purpose of adoption are subject to the Interstate Compact on the Placement of Children. A home study must be conducted in conformity with Hawaii state laws before the child can be brought into the state.

If you have additional questions, please contact the Region Legal Service Office at (808) 473-4717.