HAWAII ADMINISTRATIVE RULES

TITLE 2

LIEUTENANT GOVERNOR

CHAPTER 2

CHANGE OF NAME

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§2-2-1 Definitions. As used in this chapter, unless otherwise specifically indicated:

"Affidavit" means the affidavit of publication executed by the officer of the newspaper stating that the notice has been published.

"Lieutenant governor" means the lieutenant governor of the State of Hawaii.

"Office" means the office of the lieutenant governor.

"Person" means any individual.

"Petitioner" means any person desiring to change the person's name, or, in the case of a minor, the parents or such parent who has custody of the minor, or the guardian of the minor, who submits to the office a petition for a change of name. [Eff 9/30/69; am 3/11/82; am and comp SEP 28 1987] (Auth: HRS §574-5)(Imp:HRS §574-5)

§2-2-2 Petition for change of name. (a) To change a person's name, a petition on the form prescribed shall be submitted to the office containing at least the following information describing the person whose name is to be changed:

(1) The person's present name and if a prior name change(s) had been granted, the date, place, name changed from and to, and the granting authority;
(2) Date and place of birth;
(3) Name of any past or present husband or wife, the date and place of the present marriage, the date and place of any divorces and the name of the court granting the divorce;
(4) Name of father and married and maiden names of mother, names of step-parents, names of legal parents, and names of adoptive parents;
(5) Names of any minor and adult children and their dates and places of birth or a statement that the person has no children;
(6) State of residency and residence address. Post office boxes are not acceptable except on those islands and in those areas where no street addresses exist, and in that case the petitioner shall so state in the petition. A mailing address, if different from residence, shall be required;
(7) Whether or not the person is a convicted felon and if so, the date and place of the conviction and the type of felony. The petitioner shall fully explain the charges, the sentence, the terms of parole or probation, the date of final discharge of the sentence, whether there was a delayed acceptance of a guilty plea and, if there was a pardon, by whom the pardon was granted;
(8) A statement to the effect that the person is not changing the person's name to defraud creditors;
(9) The reason or reasons for the change of name; and
(10) Any other information as may be required by the office to substantiate or verify information contained in the petition.

(b) In addition to complying with subsection (a) the petition shall conform to the following:

(1) The petition may be dated, but if so, the date of the petition shall be prior to the date of the earliest acknowledgment;
(2) The petition shall be notarized in the form prescribed by the office. The petitioner shall proceed in person and a power of attorney will not be accepted;
(3) The petition shall be accompanied by an original birth certificate, original naturalization certificate, or if petitioner is an alien, a photocopy of petitioner's passport and birth certificate, family register, or alien registration card. All persons shall submit an original birth certificate obtained from the appropriate agency no earlier than three months prior to submission of the petition;
(4) The petition shall be free of clerical errors. Any changes in the petition subsequent to any acknowledgment shall be initialed by the notary making the change and all parties to the petition;
(5) The name petitioner is requesting as the petitioner's new name shall meet the requirements of the department of health for names on a birth certificate; and
(6) The petition must be signed in the petitioner's full legal name without initials or nicknames.

(c) The original petition shall be filed with the office within thirty days of the date of the earliest acknowledgment, unless for good cause shown petitioner requests in writing and is granted an extension by the office, but in no case shall such extension be longer than thirty days. [Eff 9/30/69; am 7/30/84; am and comp SEP 28 1987] (Auth: HRS §574-5) (Imp: §574-5)

§2-2-3 <u>Consent to change of name of minor and form of consent.</u> (a) The petition for the change of name of any minor shall be accompanied by a consent to the change of name signed by:
(1) The parents of the minor whether custodial or non-custodial; and
(2) The minor if the minor is ten years or older at the time the petition is filed.

(b) The consent to the change of name shall be notarized and on the form prescribed by the office.

(c) In any petition for the change of name of any minor the petition shall not be accepted for processing by the office unless all documents are in the form prescribed by the office, and the petition and all documents comply with any and all statutory provisions related to change of name of a minor. [Eff 9/30/69; am 8/4/72; am 3/11/82; am and comp SEP 28 1987](Auth: HRS §574-5)(Imp: HRS §574-5)

§2-2-4 Order of change of name. The petition for the change of name shall contain an order of the change of name in the form prescribed by the lieutenant governor. The order shall be in two original forms with copies thereof, but more copies of the order may be submitted if desired. [Eff. 9/30/69; am 8/4/72; am 3/11/82; am and comp SEP 28 1987](Auth: HRS §574-5)(Imp: HRS §574-5)

§2-2-5 Procedure following approval by the lieutenant governor. (a) Once the petition has been approved a notice of change of name signed by the lieutenant governor shall be mailed to the petitioner.

(b) The petitioner shall have published the notice of change of name in a newspaper of general circulation in the State within sixty days of the signing of the notice by the lieutenant governor and shall deposit the original affidavit in the prescribed form with the office. If mailed, the date of the postmark shall be used in determining date of receipt. In any case where the affidavit is not in proper form as determined by the office, it shall not be considered received until it is in the proper form. The petitioner has the responsibility for ensuring that the affidavit is in the proper form and that it is received by the office by the deadline.

(c) The petition shall be void at the end of sixty days from the date of signing of the notice of change of name if the affidavit is not properly received by the office as set forth in subsections (a) and (b). In the case of a voided petition the filing fee shall not be transfered to any subsequent petition.

(d) The petitioner shall forward an original order to the bureau of conveyances of the department of land and natural resources. [Eff 9/30/69; am 8/4/72; am 3/11/82; am and comp SEP 28 1987](Auth: HRS §574-5)(Imp: HRS §574-5)

§2-2-5.1 Nonacceptance of petition for processing. (a) The petition for change of name shall not be accepted for processing by the office unless it meets all the requirements specified by these rules.

(b) Where the petition is not accepted for processing, the petitioner shall be notified of the reasons for such nonacceptance. If petitioner subsequently submits a petition which is accepted, the filing fee paid for the nonaccepted petition shall be applied to the second, accepted petition.

(c) Where petitioner resubmits a petition which had previously not been accepted for processing and which has not been corrected, the petition shall be processed but final approval of the petition and the granting of the order shall be within the discretion of the lieutenant governor. [Eff and comp SEP 28 1987] (Auth: HRS §574-5) (Imp: HRS §574-5)

§2-2-6 Procedure following denial by the lieutenant governor. If the lieutenant governor decides to deny the petition, a notice of intent to deny shall be sent by certified or registered mail to the petitioner. The notice of intent to deny shall state that the lieutenant governor intends to deny the petition and shall include the reasons for the denial.

If the petitioner desires a hearing on the intent to deny, the petitioner shall, not later than 4:30 p.m. on the tenth day after receipt of the denial notice, file a statement with the lieutenant governor setting forth facts and arguments showing the reasons why the petition should not be denied. The lieutenant governor shall call a hearing not later than twenty days following receipt of the filed statement and notify the petitioner of the date, time and place of the hearing. The

decision of the lieutenent governor shall be final and rendered not later than 4:30 p.m. on the seventh day following the hearing. If the petitioner does not file a statement within the time specified, the notice of intent to deny shall constitute final denial. [Eff 9/30/69; am 7/30/84; am and comp SEP 28 1987] (Auth: HRS §574-5 (Imp: HRS §574-5)

§2-2-6.1 Confidentiality of records and hearing. Petitions on file with the office are confidential and not a matter of public record. The hearing on the denial of a petition shall be confidential and not open to the public. [Eff and comp SEP 28 1987] (Auth: HRS §574-5) (Imp: HRS §574-5)

§2-2-7 Filing fee. The filing fee for a change of name under this chapter shall be the amount set forth in section 574-5, HRS, and is nonrefundable.
[Eff 9/30/69; am 3/11/82; am and comp SEP 28 1987] (Auth: HRS §574-5) (Imp: HRS §574-5)