

ASSOCIATED STUDENTS OF THE UNIVERSITY OF HAWAI‘I AT MĀNOA
2465 Campus Road, Campus Center 211A
Honolulu HI 96822

In the Senate

Senate Resolution 03-21

March 03, 2021

For Special Order

A RESOLUTION

IN SUPPORT OF THE AMENDMENT OF THE UNIFORM PARENTAGE ACT

BE IT ENACTED BY THE UNDERGRADUATE SENATE:

WHEREAS, the Associated Students of the University of Hawai‘i at Mānoa Senate is the elected body representing approximately 10,000 full-time classified undergraduate students; and,

WHEREAS, The Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual/Aromantic and other community (LGBTQIA+ community), although not a universal definition, consists of people of varied genders, sexes, and sexualities not covered under western binary cisgender and heterosexual systems such as those who are pansexual, polyamorous, non-binary, or Māhū; and,

WHEREAS, The University of Hawai‘i at Mānoa is the home to student services and Registered Independent Organizations dedicated to maintaining the well-being of students who are parents and/or LGBTQIA+ by upholding Board of Regents Policy 1.205, the policy on nondiscrimination and affirmative action; and,¹

WHEREAS a 2019 survey by Gallup estimated that 4.6% of Hawai‘i’s adult population identified as Lesbian, Gay, Bisexual, or Transgender making up 4.6% of Hawai‘i’s population; and,²

WHEREAS, The estimate of 4.6% of Hawai‘i’s adult population is under-representative of those who may enter partnerships not between a cisgender heterosexual man and cisgender heterosexual

¹ Quinn, C. (2014, October). *Board of Regents Policy 1.205: Policy on Nondiscrimination and Affirmative Action*. <https://hawaii.edu/policy/?action=viewPolicy&policySection=rp&policyChapter=1&policyNumber=205>

² Kastanis, A., Conron, K., Goldberg, S., Strieker, M., & Gate, G. (2019, January). *LGBT Proportion of Population: Hawaii*. <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT&area=15>.

woman, as this study did not account for those who did not disclose their sexual orientation or gender, were questioning their identities at the time, or are part of the LGBTQ+ community but not necessarily lesbian, gay, bisexual, or transgender; and,

WHEREAS, 30%, nearly 1 out of every 3 LGBT identifying respondents were age 25 or older, and raising children; and,³

WHEREAS, the Uniform Parentage Act (UPA) relies on cis-heteronormative terms such as “paternity,” “natural mother,” and “natural father” which explicitly exclude those who do not fit into a cis-heteronormative model; and,⁴

WHEREAS, the terms “parentage”, "gestational parent", and "non-gestational parent" would functionally describe parentage without unnecessarily excluding those who do not fit into a cis-heteronormative model; and,

WHEREAS, the UPA’s gendering of parentage and most notably §584-3.5 Expedited Process of Paternity exclusively allows cisgender men to voluntarily declare parentage in the form of paternity; and,⁵

WHEREAS, the process of declaring parentage contributes significant financial and emotional burdens for pairs consisting of a gestational parent and non-cisgender male partner; and

WHEREAS, the exclusion of non-cisgender male parents from the voluntary declaration of parentage explicitly privileges those of cisgender and heterosexual identities over the LGBTQIA+ community; and

WHEREAS, during the thirty-first session of the Hawai‘i State Legislature (2021), SB 618 and HB 1096 were introduced; and

WHEREAS, SB 618 amends the Uniform Parentage Act to allow non-gestational partners to voluntarily establish parentage of a child during the period immediately prior to or following the birth of the child and requires the State to recognize parentage determinations from other states and territories⁶; now therefore,

³ Kastanis, A., Conron, K., Goldberg, S., Strieker, M., & Gate, G. (2019, January). *LGBT Proportion of Population: Hawaii*. <https://williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT&area=15>.

⁴ Uniform Parentage Act, 31 H.R.S. § 584-1 et seq. (2021).
https://www.capitol.hawaii.gov/hrscurrent/Vol12_Ch0501-0588/HRS0584/

⁵ Uniform Parentage Act, 31 H.R.S. § 584-3.5 (2021).
https://www.capitol.hawaii.gov/hrscurrent/Vol12_Ch0501-0588/HRS0584/HRS_0584-0003_0005.htm

⁶ https://www.capitol.hawaii.gov/session2021/CommReports/SB618_SD1_SSCR494_.htm

BE IT RESOLVED, the ASUH supports the LGBTQIA+ community, and recognizes that the fight for LGBTQIA+ civil rights is far from over; and,

BE IT RESOLVED, the ASUH recognizes the rejection of non-binarist cisheteronormative sex and gender as being intrinsically tied to colonialism; and,

BE IT RESOLVED, the ASUH views the right to parent as being inalienable; and,

BE IT RESOLVED, the ASUH views parentage and family as not being inherently biological or gendered; and,

BE IT RESOLVED, the ASUH views the UPA in its current form as explicitly privileging cisgender heterosexual individuals, and discriminating against the LGBTQIA+ community; and,

BE IT RESOLVED, the ASUH supports the inclusion of non-cisheteronormative gender-neutral language in the UPA; and,

BE IT RESOLVED, the ASUH supports the inclusion of non-cisgender male parents in the voluntary declaration of parentage; and,

BE IT RESOLVED, the ASUH urges the state legislature and respective committees to hear and pass SB 618 and HB 1096; and,

BE IT FURTHER RESOLVED, the ASUH calls on the University of Hawai‘i at Mānoa to review and replace cisheteronormative language with those more inclusive, such as the inclusion of non-binary gender markers within the university system; and,

BE IT FURTHER RESOLVED, the ASUH calls on the University of Hawai‘i at Mānoa to implement LGBTQIA+ supportive practices such as the funding of gender-inclusive restrooms and facilities, and active recruitment of transgender and non-binary athletes; and,

NOW, THEREFORE, BE IT FINALLY RESOLVED, that copies of this resolution shall be sent to: the University of Hawai‘i Board of Regents Chair Benjamin Kudo and Members, President David Lassner, Provost Michael Bruno, Interim Vice Chancellor for Students Lori Ideta, the Graduate Student Organization, Ka Leo O Hawai‘i, Director of LGBTQ+ Center Camaron Miyamoto, Student Parents at Mānoa Coordinator Angie Solomon, Director of Student Equity, Excellence and Diversity (SEED) Christine Quemuel, Vice President for Administration Jan Gouveia, Community Co-chair, DOH Sexual and Gender Minority Workgroup & Policy Lead Jen Jenkins, Senator Baker, Senator Chang, Senator Misalucha, Senator San Buenaventura, Senator English, Senator Keith-Agaran, Senator Nishihara,

Senator Shimabukuro, Representative Sayama, Representative Ichiyama, Representative Kapela, Representative Marten, Representative Mizuno, Representative Perruso, Representative Tam, Representative Wildberger, Representative D. Kobayashi, Chair of LGBT Caucus of the Democratic Party of Hawai'i Michael Golojuch, Jr., and Executive Director of the Hawai'i State Commission on Status of Women Khara Jabola-Carolus

ROLL CALL VOTE TO APPROVE SENATE RESOLUTION 03-21: IN SUPPORT OF THE AMENDMENT OF THE UNIFORM PARENTAGE ACT

Aye(s): [14] Vice President Kim, Interim Treasurer Saari, Senator-At-Large Anuszcewska, Senator-At-Large Kaeo, Senator Baguio, Senator Basim, Senator Chua, Senator Crowell, Senator Garrett, Senator Hokama-Paris, Senator Kirwan, Senator Renteria, Senator Sabandal, Senator Taira

Naye(s): [0]

Abstention(s): [0]

APPROVED AND ADOPTED BY THE 108TH SENATE THE 3RD OF MARCH 2021