



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

DNA Procedures

On March 31, 2017, the department's lease application process in the *Hawaii Administrative Rules* (HAR) was formally amended to allow the use of DNA testing solely to confirm a biological parent-child relationship between two individuals where the relationship between the two is unclear or in question.

For an applicant, DNA testing is an option if:

- 1) The applicant's birth certificate has a blank where a biological parent's name should be [§10-3-2.2(b) HAR]; **or**
- 2) The listed parent is not the biological parent [§10-3-2.2(b) HAR].

If one of these two situations applies, then for the purpose of confirming a biological parent-child relationship, the administrative rules provide for the DHHL's acceptance of results from one (1) of four (4) available DNA tests listed below, as appropriate:

[Parent alive and available]

- 1) **Parent-child testing.** *The testing utilized must have a power of exclusion greater than ninety-nine percent and a minimum combined paternity or maternity index of five hundred to one [§10-3-2.2(b)(1) HAR];*

[Parent deceased or unavailable]

- 2) **Maternal lineage evaluation.** *If the alleged biological mother is deceased or unavailable, testing of the alleged mother's living sibling may be accepted as long as they share the same biological mother. Testing utilized must demonstrate shared mitochondria [§10-3-2.2(b)(2)(i) HAR];*
- 3) **Paternal lineage evaluation.** *If the alleged biological father is deceased or unavailable and the applicant is genetically male, testing of the alleged father's living brother may be accepted as long as they share the same biological father. Testing utilized must demonstrate shared Y chromosome [§10-3-2.2(b)(2)(ii) HAR];*
- 4) **Avuncular testing.** *If the alleged biological parent is deceased or unavailable and maternal or paternal lineage evaluation is not applicable, testing of the alleged parent's living full sibling may be accepted. The testing utilized must have likelihood ratio of no less than 50.0 [§10-3-2.2(b)(3) HAR].*

DNA Checklist (4 Required Items):

1) Alleged Biological Parent Deceased or Unavailable (Submit death certificate or affidavit)

*If the alleged biological parent is **deceased**, the applicant shall submit the death certificate [§10-3-2.2(b) HAR].*

*If the alleged biological parent is **unavailable**, the applicant shall submit an affidavit establishing the reason for the alleged biological parent's unavailability, such as the person being incarcerated, homeless, or having no known location or contact information [§10-3-2.2(b) HAR].*

2) Requirement for Other Biological Parent to Submit DNA

*To add to the accuracy of the analysis, **where the applicant has a known, living biological parent, that person shall also participate in the testing** (Emphasis added) [§10-3-2.2(b) HAR].*

3) Affidavit Required

Applicant shall submit an affidavit from the alleged parent or alleged parent's sibling setting forth facts establishing a reasonable possibility of parentage by the alleged parent [§10-3-2.2(c) HAR].

4) Required Authentication of DNA Test Results

*The department shall accept only notarized and certified genetic test results with proper chain of custody **directly** from a relationship testing facility nationally accredited by the American Association of Blood Banks (AABB) (Emphasis added) [§10-3-2.2(b) HAR].*

*Documentation submitted **directly** to the department from the testing facility shall include:*

- 1) The **original** laboratory-certified and notarized genetic test results; and*
- 2) Chain of custody documents reflecting an acceptable and reliable chain of custody (Emphasis added) [§10-3-2.2(c) HAR].*

DHHL Mailing Address:

Application Branch
Homestead Services Division
P.O. Box 1879
Honolulu, HI 96805

General Information

Applicant Responsible for Costs of DNA Test

All costs of testing and any related expenses shall be borne by the applicant [§10-3-2.2(b) HAR].

Genetic Testing is Voluntary

*Genetic testing is entirely **voluntary** and is not required by the department. Undergoing genetic testing does not guarantee acceptance of the application (Emphasis added) [§10-3-2.2(d) HAR]*

Confidentiality

The department shall treat genetic test results as information related to medical history, diagnosis, condition, treatment, or evaluation protected under section 92F-14(b)(1), HRS. The department shall not disclose genetic test results to third parties without the prior written consent of those tested [§10-3-2.2(e) HAR].

DNA Test Results Only for Qualifying Applicant for DHHL Benefits

A determination regarding parentage by the department is not intended to have evidentiary effect for purposes other than those of the department [§10-3-2.2(f) HAR].

QUESTIONS?

Please call the Application Branch in Kapolei, Oahu at (808) 620-9220.