



DEPARTMENT OF THE ATTORNEY GENERAL

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**HAWAII SUPREME COURT HEARS ORAL ARGUMENT REGARDING THE
PARENTAL RIGHTS AND RESPONSIBILITIES OF MARRIED SAME-SEX COUPLES**

HONOLULU – On December 14, 2017, the State of Hawaii presented oral argument to the Hawaii Supreme Court in the case of *C.C. v. D.D.*, arguing that same-sex spouses must be treated as the presumed parents of children born during their marriage, just as opposite-sex spouses are.

The case involves a dispute between a former married same-sex couple regarding whether C.C. is a legal parent of a child conceived using anonymous donor sperm and born to D.D. during the marriage. C.C. is asking the Hawaii Supreme Court to rule that she is not a legal parent and has no obligation to pay child support because she is not biologically related to the child. The State of Hawaii submitted a friend-of-the-court brief on behalf of D.D., urging the Court to read Hawaii parentage law in a gender-neutral manner, as required by the Marriage Equality Act, and to apply the marital presumption of parentage equally to both same-sex and opposite-sex married couples.

Attorney General Doug Chin said, "The State has a strong interest in ensuring that the Marriage Equality Act is properly enforced and that both same-sex and opposite-sex married couples are treated equally, so their children have the same opportunity to receive child support."

At oral argument, **Solicitor General Clyde Wadsworth** said to the Court, "All means all. The Marriage Equality Act mandates that 'all gender-specific terminology' in 'all sources of law' regarding the rights and responsibilities of spouses must be construed in a gender-neutral manner. . . . So the presumption of parentage must be construed in a gender-neutral manner and applied equally to same-sex and opposite-sex couples."

The Court took the matter under advisement and will later issue a written opinion.

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Department of the Attorney General
News Release 2017-179
Page 2

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