
A BILL FOR AN ACT

RELATING TO CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 577, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§577- Emancipation of youth. (a) A minor who has
5 reached the age of sixteen and has resided in this State for the
6 past twelve months may petition the family court in the circuit
7 in which the minor resides for a determination that the minor
8 named in the petition be emancipated. The petition shall:

9 (1) Outline how the youth has demonstrated independent
10 capabilities, separate from the youth's parents or
11 guardians, in matters of care, custody, control, and
12 earnings; and

13 (2) Be filed by the minor seeking emancipation. A parent
14 or guardian shall not petition, individually or on
15 behalf of the minor, for an order of emancipation.

16 (b) Pursuant to a petition for emancipation under this
17 section, the court may:



- 1 (1) Require child welfare services to investigate the
2 statements made in the petition and file a report of
3 that investigation with the court; or
- 4 (2) Require the youth to receive a mental health
5 evaluation from an appropriate mental health
6 professional from the department of health.
- 7 (c) Pursuant to a petition for emancipation under this
8 section, the court shall:
- 9 (1) Appoint a guardian ad litem for the minor;
- 10 (2) Appoint client-directed counsel to represent the minor
11 throughout the emancipation proceedings and provide
12 counsel to the minor regarding the rights,
13 responsibilities, and legal consequences associated
14 with emancipation;
- 15 (3) Provide the youth with an informational pamphlet and
16 counseling explaining the youth's rights and
17 responsibilities as an emancipated youth and a listing
18 of alternatives to emancipation, if available;
- 19 (4) Provide service of the petition and notice of hearing
20 to the minor's parents or legal guardians. The court
21 appointed counsel shall assist the youth to locate the



1 parents or legal guardians. Upon a showing of due
2 diligence to locate the parents or legal guardians,
3 the court may waive notice requirements; and

4 (5) At a hearing on the petition, and prior to issuing a
5 ruling on the petition, ensure the youth understands
6 the rights, responsibilities, and alternatives, if
7 any, to emancipation.

8 (d) The court may enter an order declaring the minor
9 emancipated if, after a hearing, it is found by clear and
10 convincing evidence that:

11 (1) The minor has entered into a valid marriage, whether
12 or not that marriage has been terminated by
13 dissolution;

14 (2) The minor is on active duty with any of the armed
15 forces of the United States of America;

16 (3) The parents are unable or unwilling to provide basic
17 material support to the minor in the form of food,
18 shelter, clothing, and medical care, or the parents
19 have deserted or abandoned the minor; or

20 (4) The minor willingly lives separate and apart from the
21 minor's parents or legal guardians, with the explicit



1 or implicit consent or acquiescence of the parents or
2 legal guardians, or even without consent, if the court
3 determines that the weight of evidence shows that the
4 best interest for the youth will be served by
5 separation from the parent or legal guardian, that the
6 minor is currently self-supporting or is capable of
7 self-support and of managing the minor's own financial
8 affairs, and that emancipation is in the best interest
9 of the minor.

10 (e) A minor emancipated under this section shall be
11 considered to have the rights and responsibilities of an adult,
12 except for those specific constitutional and statutory age
13 requirements including but not limited to voting, consuming or
14 purchasing liquor, and other relevant health and safety
15 regulations imposed based on age. A minor shall be considered
16 emancipated for the purposes of, but not limited to, all of the
17 following:

- 18 (1) The right to enter into enforceable contracts,
19 including apartment leases;
20 (2) The right to sue or be sued in the minor's own name;
21 (3) The right to retain personal earnings;



- 1 (4) The right to establish a separate domicile;
- 2 (5) The right to act autonomously, and with the rights and
- 3 responsibilities of an adult, in all business
- 4 relationships, including but not limited to property
- 5 transactions and obtaining accounts for utilities,
- 6 except for estate or property matters that a court
- 7 determines may require a conservator or guardian ad
- 8 litem;
- 9 (6) The right to earn a living, subject only to the health
- 10 and safety regulations designed to protect those under
- 11 the age of majority regardless of their legal status;
- 12 (7) The right to file as an individual under state
- 13 statutes and rules regarding income taxes;
- 14 (8) The right to authorize personal preventive health
- 15 care, medical care, dental care, mental health care,
- 16 and substance abuse treatment without parental
- 17 knowledge or liability;
- 18 (9) The right to apply for a driver's license or other
- 19 state licenses for which the minor may be eligible;
- 20 (10) The right to register for school;
- 21 (11) The right to marry;



1 (12) The right to personally apply for medical and other
2 public assistance benefits administered by the State
3 and the various counties, if needed;

4 (13) The right, if a parent, to make decisions and give
5 authority in caring for the minor's own minor child;
6 and

7 (14) The right to make a will and other estate planning
8 documents, including trust documents, durable power of
9 attorney, and an advance health care directive.

10 (f) The court may require the minor's parents or legal
11 guardians to pay for services court ordered for the minor,
12 including service of the petition, the guardian ad litem,
13 counsel, and mental health providers.

14 (g) For purposes of this section, "minor" or "youth" means
15 a person under the age of majority."

16 SECTION 2. New statutory material is underscored.

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Emancipation of Minors; Children; Parents; Family Court

Description:

Provides a means by which a minor may petition the family court for emancipation, and directs the court regarding investigation of the petition, appointing counsel and a guardian ad litem for the petitioner, and the findings necessary to grant the petition. Outlines the rights gained by the minor upon emancipation and authorizes the court to require the minor's parents or legal guardians to pay for court ordered services.
(SD1)

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