



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 28, 2018

TO: The Honorable Representative Scott Y. Nishimoto, Chair  
House Committee on Judiciary

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 1859 HD1 - Relating to Children**

Hearing: Thursday, March 1, 2018 at 2 p.m.  
Conference Room 329, State Capitol

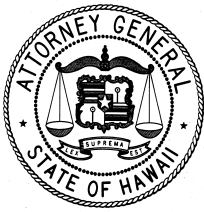
**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this bill and agrees with the amendments. DHS provides comments.

**PURPOSE:** The purpose of the bill is to allow a minor to petition the Family Court for emancipation, and directs the court regarding investigation of the petition, appointment of legal counsel and a guardian ad litem for the petitioner, and the findings necessary to grant the petition. The bill also specifies the rights gained by the minor upon emancipation and authorizes the court to require the minor's parents or legal guardians to pay for any services ordered by the court.

The revisions in HB 1859 HD1 specify the Department of Human Services' responsibilities in the process of emancipation would be limited in scope to investigation of those cases in which reports or allegations of child abuse or neglect are present, keeping the investigation within the statutory bounds of the Department's investigatory powers. In addition, the revisions to HB 1859 HD1 require emancipation proceedings to be stayed if the minor has an active child protective proceeding which allows the Department to provide required interventions and services to children and families to achieve positive outcomes and permanency including reunification, adoption, or legal guardianship.

Thank you for the opportunity to testify on this bill.

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**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2018**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1859, H.D. 1, RELATING TO CHILDREN.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Thursday, March 1, 2018

**TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

**TESTIFIER(S):** Russell A. Suzuki, Acting Attorney General, or  
Ian T. Tsuda, Deputy Attorney General

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Chair Nishimoto and Members of the Committee:

The Department of the Attorney General (Department) appreciates the intent of this bill and provides the following comments.

The purpose of this bill is to allow minors to petition the Family Court for emancipation. This bill establishes the circumstances under which a minor may file a petition, the procedural requirements of the emancipation process, the findings necessary to grant the petition, the rights gained by the minor upon emancipation, and the court's authority to require the minor's parents to pay for any ordered services.

The House Committee on Health and Human Services adopted the Department's recommendations presented at the hearing on January 30, 2018. For clarity and to achieve the purpose of this bill, we provide additional recommendations regarding the amendment of section 577-25, Hawaii Revised Statutes (HRS), section 2 of this bill.

(1) Subsection (e)(2) on page 4, lines 13-17, should be deleted as unnecessary because the Family Court may already require Child Welfare Services to investigate any reports or allegations of child abuse or neglect under subsection (c)(1). If subsection (e)(2) is deleted, then the Department recommends that page 4, line 12, be amended to read as follows:

“ . . . forces of the United States of America; or”

(2) Subsection (e)(3) should be clarified to make every component a necessary element that the Family Court must find before granting a petition. As indicated in

subsection (b)(1), a petition must outline how a minor has demonstrated the ability to care for and manage the minor's own affairs. To avoid confusion, the Department recommends that after deleting the previous subsection (e)(2), subsection (e)(3) on pages 4, line 18, through page 5, line 7, be amended to read as follows:

“~~[(3)]~~ (2) The minor willingly resides separate and apart from the minor's parents or legal guardians, ~~[with the explicit or implicit consent or acquiescence of the parents or legal guardians, or even without]~~ irrespective of their consent, [if the court determines that the weight of evidence shows that the best interest for the minor will be served by separation from the minor's parents or legal guardians, that] the minor understands the rights, responsibilities, and alternatives, if any, to emancipation, the minor is currently self-supporting or is capable of self-support and ~~[of]~~ managing the minor's own financial affairs, and that emancipation is in the best interest of the minor.”

We request that the bill be amended as recommended.

# HAWAII YOUTH SERVICES NETWORK

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Rick Collins, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of  
Hawaii

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of  
West Hawaii

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action  
Network

Hawaii Student Television

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Maui Youth and Family Services

P.A.R.E.N.T.S., Inc.

Parents and Children Together  
(PACT)

Planned Parenthood of the  
Great Northwest and  
Hawaiian Islands

PHOCUSED

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community  
Center

The Catalyst Group

February 27, 2018

To: Representative Sylvia Luke  
And members of the Committee on Finance

## COMMENTS ON HB 1859 HD 1 RELATING TO CHILDREN

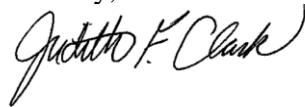
Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, is providing comments on HB 1859 HB 1 Relating to Children.

The bill does not provide clear guidelines about what constitutes "self-supporting" or how the minor's capacity to provide self-support and manage the minor's own financial affairs will be assessed. Furthermore, the ability to manage one's own affairs goes far beyond financial support – making decisions about health care needs or housing options, for example.

Further clarification is needed on what services designed for minors the youth would still be able to access, such as those provided by the Child and Adolescent Mental Health Division. Would emancipated minors continue to be eligible for health care through their parents' health insurance plans?

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director

**LATE**



**Hawai'i Psychological Association**  
*For a Healthy Hawai'i*

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**Representative Scott Y. Nishimoto, Chair**  
**Representative Joy A. San Buenaventura, Vice Chair**  
**HOUSE COMMITTEE ON JUDICIARY**

**March 1, 2018, 2:00 pm, House Conference Room 325**

**Testimony in Support of HB1859**

The Hawai'i Psychological Association (HPA) supports HB1859 HD1, which specifies rights and requirements regarding minor petitions to the Family Court for emancipation.

HPA supports the intention of HB1859 HD1 to empower emancipated minors to make educational and health-related decisions necessary to attain their personal aspirations, including access to financial aid for college and/or vocational training.

Thank you for the opportunity to provide testimony on HB1859 HD1.

Respectfully submitted,

Tanya Gamby, Ph.D.  
President, HPA