



The Judiciary, State of Hawai'i

**Testimony to the Thirty-First Legislature, 2021 Regular Session
House Committee on Judiciary and Hawaiian Affairs**

Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Tuesday, March 23, 2021 at 2:00 p.m.
State Capitol, Conference Room 325
VIA VIDEO CONFERENCE

by

Judge Christine E. Kuriyama
Senior Judge, Deputy Chief Judge
Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 821, S.D.2, H.D.1, Relating to Children.

Purpose: Allows a minor who has reached the age of sixteen to petition the family court for emancipation. Requires the court to take certain actions regarding investigation of the petition, appointment of legal counsel and a guardian ad litem for the petitioning minor, and the findings necessary to grant the petition. Specifies the rights gained by the minor upon emancipation. Requires the court to require the minor's parents or legal guardians to pay for any services ordered by the court. Effective 7/1/2060. (HD1)

Judiciary's Position:

The Judiciary offers the following comments on this measure and the revisions set forth in H.D.1:

1. Mandatory appointment of Guardian Ad Litem ("GAL"): In anticipation of appointing a GAL in every emancipation case, the Legislature will need to appropriate sufficient funding for



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this expense as the Judiciary's current budget does not include and account for this additional proposed expense.

2. Mandatory appointment of counsel for the minor: This mandate raises the same costs/expense concerns as noted above.
3. Unfortunately, the Judiciary is unable to predict the additional costs at this time because any additional costs will depend upon the number of cases filed and the amount of work performed by the GAL and court-appointed counsel.
4. It should also be noted that if a GAL and a court-appointed counsel are ordered for a minor in every case, subparts (d)(3) and (4) (p.3) should be removed since it will be their duties to look out for the best interests of the minor and provide the minor with legal advice. The Family Court, which will ultimately make a decision on the petition, should not be in the position of providing legal advice to a party.
5. Further, the Legislature should also consider amending HRS Section 571-87 to include emancipation cases. Court-appointed GALs charge \$60.00/hour for out of court tasks and \$90.00/hour for in-court tasks pursuant to HRS Section 571-87.
6. Last, this mandate may further tax an already limited number of court-appointed GALs and attorneys statewide.

Thank you for the opportunity to testify on this measure.

HAWAII YOUTH SERVICES NETWORK

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Bay Clinic

Big Brothers Big Sisters of Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Friends of the Children's Justice Center of Maui

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

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

Parents and Children Together (PACT)

PHOCUSED

PFLAG - Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

March 21, 2021

To: Representative Mark Nakashima, Chair
And members of the Committee on Judiciary and Hawaiian Affairs

Testimony in Support of SB 821 SD 2 HD 1 Relating to Children

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports SB 821 SD 2 HD1 Relating to Children.

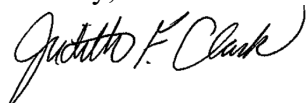
HYSN does not support an amendment added in HD 1 that requires parents or guardians to pay for services ordered by the Family Court. Parental child abuse or neglect is a frequent reason why minors seek emancipation. Parents/guardians may not have the financial means to pay for services.

This bill includes adequate safeguards to ensure that a minor seeking to emancipate:

- Possesses the necessary knowledge and skills to take on adult responsibilities.
- Is able to financially support him or herself.
- Understands and accepts the responsibilities he/she is taking on.
- Is not seeking emancipation due to duress or coercion by a parent or guardian.
- Can continue to receive educational and other services intended for and needed by adolescents.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director

SB-821-HD-1

Submitted on: 3/21/2021 1:39:04 PM

Testimony for JHA on 3/23/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Keawe	Individual	Support	No

Comments:

I support sb821 sd2 hd1