

# HAWAII YOUTH SERVICES NETWORK

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Carole Gruskin, President

Judith F. Clark, Executive Director

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

February 8, 2021

To: Senator Joy San Buenaventura  
And members of the Committee on Human Services

## Testimony in Support of SB 821 Relating to Children

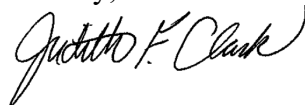
Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports SB 821 Relating to Children

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.

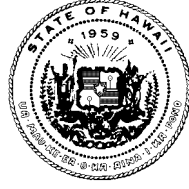
Sincerely,



Judith F. Clark, MPH  
Executive Director

**LATE**

DAVID Y. IGE  
GOVERNOR



CATHY BETTS  
DIRECTOR

JOSEPH CAMPOS II  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

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

February 10, 2021

TO: The Honorable Senator Joy San Buenaventura, Chair  
Senate Committee on Human Services

FROM: Cathy Betts, Director

SUBJECT: **SB 821 – RELATING TO CHILDREN.**

Hearing: February 11, 2021, 3:00 p.m.  
Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of the measure, provides comments, and suggests an amendment.

**PURPOSE:** The purpose of the bill allows a minor who has reached the age of 16 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. 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. Requires emancipation proceedings to be stayed until final disposition of the minor's child protective case under Chapter 587A, HRS.

DHS proposes that emancipation proceedings should not be stayed pending final disposition of a minor's child protective case under Chapter 587A, HRS. A youth's rights should be the same as their peers and should not be infringed upon based on the status of an active Chapter 587A case. DHS proposes that paragraph (h) (page 7, line 4) be deleted in its entirety:

~~(h) If a petitioning minor has an active case under chapter 587A pursuant to sections 571-11(9) and~~

~~587A 5, then the proceeding for emancipation shall be stayed until the final disposition of the chapter 587A case.~~

In the alternative, DHS suggests that the Court that has the emancipation matter before it, should have the authority to review and consider all other pending family court and other matters involving the petitioning minor.

Without an understanding of how many youths may seek emancipation per year, DHS may require an appropriation for additional staff to conduct investigations that the Court may request as provided by (c)(1).

Additionally, (d) provides that a Guardian Ad Litem and legal counsel are only available after a petition is filed, consequently, pre-filing information should be available and the petition process sufficiently accessible for a minor to apply without assistance.

DHS is also concerned about whether the Court's jurisdiction would be conferred for any minor regardless of place of domicile at the time the petition is filed. As residency is not clearly defined in state law and is largely dependent upon intent, as written, minors, could fly between islands, or from anywhere, and file a petition. Also, additional safeguards against human trafficking may be necessary as traffickers are sophisticated and our laws should not be used to manipulate potential trafficking victims.

DHS defers to the Judiciary regarding other implementation issues that it may require.

Thank you for the opportunity to provide comments on this measure.

**SB-821**

Submitted on: 2/8/2021 11:41:59 AM

Testimony for HMS on 2/11/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kathryn 'Alamea-Xian	Individual	Support	No

Comments:

I strongly support this measure. Children of this age should not have to get married in order to emancipate. Such a requirement is antiquated and discriminatory. Mahalo.

Kathryn 'Alamea-Xian

**SB-821**

Submitted on: 2/8/2021 5:41:27 PM

Testimony for HMS on 2/11/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eileen M Gawrys	Individual	Support	No

Comments:

Unfortunately, for some children this is in their best interest for their safety and wellbeing

**SB-821**

Submitted on: 2/8/2021 5:58:44 PM

Testimony for HMS on 2/11/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lauralee Baoy	Individual	Support	No

Comments:

I support SB821.

I have worked with at risk-youth since 2004. I have worked in therapeutic residential home settings with juvenile males and females ages 12-18, domestic violence and currently work in an afterschool program aimed at reducing youth negative behaviors and promoting pro-social behaviors.

I have worked with youth who have parents involved in the court system for CPS, foster care, or in situations in which being under the age of 18 prevented them from singularly seeking treatment (drug and or therapeutic), seeking alternative housing, academic hang-ups and continued to live in home situations because they felt like they had no other options.

Allowing youth to petition the Family Court for emancipation is the first step in allowing youth to have a say so to how they want to positively influence their life decisions in cases where this may be the best option for them.

Thank you.

**SB-821**

Submitted on: 2/10/2021 10:48:41 AM

Testimony for HMS on 2/11/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sherry Alu Campagna	Individual	Support	No

Comments:

I stand in support of SB821