

STAND. COM. REP. NO.

298

Honolulu, Hawaii

FEB 17 2021

RE: S.B. No. 821
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 821 entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow a minor who has reached the age of sixteen 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;
- (2) Specify 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; and
- (3) Require emancipation proceedings to be stayed until final disposition of the minor's child protective case under chapter 587A, Hawaii Revised Statutes.

Your Committee received testimony in support of this measure from the Hawaii Youth Services Network and four individuals. Your



Committee received comments on this measure from the Department of Human Services.

Your Committee finds that when a minor who has reached the age of sixteen petitions the Family Court for emancipation, the court must protect the best interests of the petitioning minor. Your Committee also finds that safeguards must be established to ensure the minor:

- (1) Is able to financially support themselves;
- (2) Understands and accepts the responsibilities they are taking on;
- (3) Is not seeking emancipation due to duress or coercion by a parent or guardian; and
- (4) Can continue to receive educational and other services intended for and needed by adolescents.

Consequently, your Committee also finds that during the investigation of the petition, the court must be prepared to appoint legal counsel and a guardian ad litem for the minor and produce the findings necessary to grant the petition.

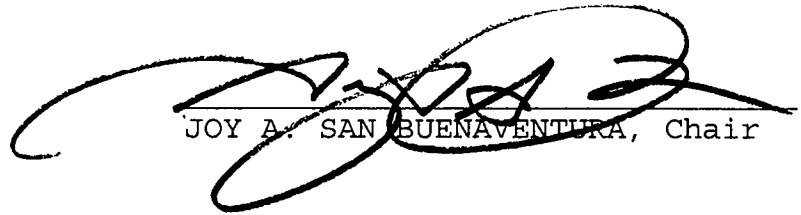
Your Committee heard the testimony of the Department of Human Services, which opined that emancipation proceedings should not be stayed pending final disposition of a minor's child protective case under chapter 587A, Hawaii Revised Statutes, as a youth's rights should be the same as their peers and not affected because of the active status of a child protective case.

Accordingly, your Committee amended this measure by deleting language that would have stayed emancipation proceedings pending a final disposition of a minor's child protective case.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 821, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 821, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Human Services,

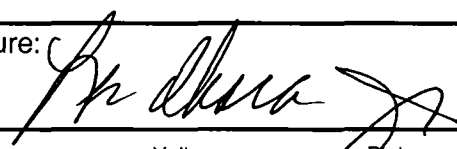


JOY A. SAN BUENAVENTURA, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

**Record of Votes
Committee on Human Services
HMS**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB821	HMS, JDC	02/11/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313	
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt			✓	
TOTAL	4	0	1	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

*Only one measure per Record of Votes