



The Judiciary, State of Hawai'i

Testimony to the Thirty-Second Legislature, 2023 Regular Session

House Committee on Judiciary and Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Wednesday February 8, 2023 at 2:00 p.m.
State Capitol, Conference Room 325 & Videoconference

by:

Matthew J. Viola
Senior Judge, Deputy Chief Judge
Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 349, H.D. 1 – Relating to Children

Purpose: Expands the original jurisdiction of family court to include proceedings for declaration of emancipation of minors. Specifies the rights of an emancipated minor. Allows a minor who has reached the age of sixteen years to petition the family court for a declaration of emancipation. Allows certain parties to petition the family court for voidance or rescission of a declaration of emancipation. Sets forth court procedures and standards in issuing, voiding, and rescinding a declaration of emancipation. Allows parties to appeal the court's decisions pertaining to emancipation to the Intermediate Court of Appeals.

Judiciary's Position:

The Judiciary takes no position on House Bill No. 349, and expresses our gratitude for the amendments made by the Committee on Human Services in H.D.1.

We respectfully suggest an additional amendment deleting a prohibition in HRS § 577-25(k) on minors supported by public assistance. This suggested amendment would make HRS § 577-25(k) consistent with the other amendments already incorporated in H.D.1:



Change page 12, lines 11-19 to read as follows:

“(k) A declaration of emancipation of a minor who has subsequently become indigent with no means of support ~~other than public assistance~~ is subject to rescission. A petition to rescind a declaration of emancipation on the ground that the minor has become indigent may be filed by:

- (1) The minor declared emancipated;
- (2) The minor’s conservator; or
- (3) Corporation counsel or county attorney of the county in which the minor resides,

with a family court in the circuit in which the minor or the conservator resides.

We thank you for the opportunity to testify in this matter.

Opportunity Youth Action Hawai'i

February 08, 2023

House Committee on Judiciary & Hawaiian Affairs

Hearing Time: 02:00 p.m.
Location: State Capitol
Re: HB 349, Relating to Children

Aloha e Chair Mizuno, and members of the Committee:

We are writing in **strong support** of HB 349, Relating to Children.

This bill will expand the original jurisdiction of family court to include proceedings for declaration of emancipation of minors; specify the rights of an emancipated minor; allow a minor who has reached the age of sixteen years to petition the family court for a declaration of emancipation; allow certain parties to petition the family court for voidance or rescission of a declaration of emancipation; set forth court procedures and standards in issuing, voiding, and rescinding a declaration of emancipation; and allow parties to appeal the court's decisions pertaining to emancipation to the Intermediate Court of Appeals.

Providing youth with the opportunity of emancipation at 16 years old is vital, as there are many situations in which parents are harmful and/or abusive to their children. There are also cases in which parents are absent from their child's life entirely. Child abuse and neglect have drastically increased in recent years, as data from the Friend's of the Children's Justice Center of O'ahu reports. In 2021 (the latest report), the center tracked 2,060 child victims, which is up 19% from 2020. These circumstances are very dangerous for a child, limiting their access to a consistent, secure, and happy life. Emancipation would also give youth the ability to sign important and life-changing contracts, sign leases, and apply for certain services that they would otherwise need parental consent for. Emancipation would be extremely beneficial for youth health and safety.

Opportunity Youth Action Hawai'i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth houselessness and housing market discrimination against young adults; and promote and fund more holistic and culturally-informed approaches among public/private agencies serving youth.

Please support HB 349.

HB-349-HD-1

Submitted on: 2/8/2023 2:01:12 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawaii	Support	Written Testimony Only

Comments:

Aloha Representatives,

The Stonewall Caucus of the Democratic Party of Hawai‘i; Hawai‘i’s oldest and largest policy and political LGBTQIA+ focused organization fully supports HB 349.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair and SCC Representative
Stonewall Caucus for the DPH

HB-349-HD-1

Submitted on: 2/6/2023 7:59:53 PM

Testimony for JHA on 2/8/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support HB349.

To: Representative David Tarnas, Chair
Representative Gregg Takayama, Vice Chair
House Judiciary & Hawaiian Affairs Committee Members

From: Dara Carlin, M.A.
Domestic Violence Survivor Advocate

Date: February 8, 2023

Re: Support for & language additions to HB349 HD1

Good Afternoon Chair Tarnas, Vice Chair Takayama & House Judiciary & Hawaiian Affairs Committee Members,

While I applaud this proposal, may I urge you to please consider the inclusion of the following language at the following sections of HB349 HD1:

Under Section 14 (e) subsection (5) line (A) (**found on Page 8, Line 15**) so as to read:

- The minor resides separately and apart from the minor's parents or guardian at the minor's own will, with or without the parents' or guardian's consent, and in absence of undue influence or coercion by any third party;

Under Section (4) subsection (i) line 8 (**found on Page 11, Line 19**) so as to read:

- The minor is not seeking emancipation under duress, including by coercion of a parent, or guardian or by any other third party;

As a Domestic Violence Survivor Advocate, I have a constant eye on how rules, laws, policies & procedures may be exploited by abusers and/or other parties with unholy intentions, so while the emancipation of a minor is clearly a family matter, my concern is what could happen if *an unrelated third party* were to be involved or to be a driving force, ie: an abuser or child/human trafficker who would be using coercive tactics to encourage a minor's pursuit of emancipation.

The appointment of a guardian ad litem and mental health evaluation conducted by a licensed mental health professional (who I hope would also interview the parents for a comprehensive picture) should safeguard the process, as well as flush out or make known any nefarious third party involvement, but I feel the additional language is necessary to send a message to any abuser or trafficker who would think to suggest or encourage emancipation to minor.

Thank you for this opportunity to provide testimony in support of & recommendations to HB349 HD1.

Respectfully,

Dara Carlin, M.A.

Domestic Violence Survivor Advocate