

STAND. COM. REP. NO. **65**

Honolulu, Hawaii

FEB 06, 2023

RE: H.B. No. 349
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 349 entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Expand the jurisdiction of the family court to include proceedings for declaration of emancipation of minors;
- (2) Specify the rights of an emancipated minor;
- (3) Allow a minor who has reached the age of sixteen years to petition the Family Court for a declaration of emancipation;
- (4) Allow certain parties to petition the Family Court for voidance or rescission of a declaration of emancipation;
- (5) Set forth court procedures and standards when issuing, voiding, and rescinding a declaration of emancipation;
and

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- (6) Allow parties to appeal the Family Court's decisions pertaining to emancipation to the Intermediate Court of Appeals.

Your Committee received testimony in support of this measure from Opportunity Youth Action Hawai'i, Residential Youth Services & Empowerment, Hawai'i Youth Services Network, Stonewall Caucus of the Democratic Party of Hawaii, and Rainbow Family 808. Your Committee received comments on this measure from the Judiciary and one individual.

Your Committee finds that emancipation of minors allows for a minor to be independent from the control of their parents or guardians and the parents or guardians to be free from their responsibility for the minor. Providing a judicial avenue for emancipation at sixteen years old is vital for the wellbeing of children in certain circumstances. A process for emancipation, such as the one proposed by this measure, provides one avenue for the Judiciary to address the specific needs of youth in appropriate instances.

Your Committee has amended this measure by:

- (1) Removing the requirement that a minor seeking emancipation not have a source of income derived from public assistance;
- (2) Specifying that the Family Court may pay for the costs of an appointed guardian ad litem, unless the minor or the minor's parents or guardian have sufficient funds;
- (3) Requiring a mental health evaluation by a licensed mental health professional conducted pursuant to a petition for emancipation to be paid for by the minor or the minor's parents or guardian, and if unable, requiring the evaluation to be conducted by the Child and Adolescent Mental Health Division of the Department of Health;
- (4) Removing the authorization for a court to pay for travel expenses of parties or witnesses;



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- (5) Clarifying the payment responsibilities for costs of services incurred by the minor or the minor's parents or guardian and those appointed by the court;
- (6) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 H.B. No. 349, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 349, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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



JOHN M. MIZUNO, Chair



