

Honolulu, Hawaii

MAR 22 2023

RE: H.B. No. 349
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 349, H.D. 2, 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) Expand the original jurisdiction of Family Court to include proceedings for declaration of emancipation of minors;
- (2) Specify the rights of an emancipated minor; and
- (3) Establish procedures for the emancipation of minors.

Your Committee received testimony in support of this measure from the Stonewall Caucus of the Democratic Party of Hawai'i, Rainbow Family 808, Hawai'i Youth Services Network, Residential Youth Services and Empowerment, and one individual. Your Committee received testimony in opposition to this measure from the AHA Foundation. Your Committee received comments on this measure from the Judiciary, Department of Health, and one individual.



Your Committee finds that when a minor who has reached the age of sixteen petitions the Family Court for emancipation, the Family Court must act to protect the best interests of the petitioning minor. Your Committee further finds that due to levels of physical and emotional maturity, comparatively low access to resources, and various legal requirements relating to age, safeguards must be established to ensure the minor is not inequitably disadvantaged. This measure provides a pathway to emancipation for minors.

Your Committee has amended this measure by:

- (1) Specifying that the mental health evaluation to be conducted prior to the minor's emancipation be conducted by the Department of Human Services' Child Welfare Services Branch;
- (2) Specifying that the Family Court shall grant emancipation for a minor if numerous conditions are met including that 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 a third party;
- (3) Specifying that the Family Court shall grant emancipation for a minor if numerous conditions are met including that the minor is not seeking emancipation under duress, including by coercion of a parent, guardian, or any other third party;
- (4) Making it effective On September 1, 2023; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 349, H.D. 2, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as H.B. No. 349,
H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



