

JAN 23 2015

A BILL FOR AN ACT

RELATING TO CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 577, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§577- Emancipation of unaccompanied youth. (a) A
5 minor who has reached the age of sixteen and has resided in this
6 State for the past twelve months may petition the family court
7 in the circuit in which the minor resides for a determination
8 that the minor named in the petition be emancipated. The
9 petition must:

10 (1) Outline how the youth has demonstrated independent
11 capabilities, separate from the youth's parents or
12 guardians, in matters of care, custody, control, and
13 earnings; and

14 (2) Be filed by the minor seeking emancipation. A parent
15 or guardian shall not petition, individually or on
16 behalf of the minor, for an order of emancipation.



1 (b) Pursuant to a petition for emancipation under this
2 section, the court may:

3 (1) Require child welfare services to investigate the
4 statements made in the petition and file a report of
5 that investigation with the court; or

6 (2) Appoint a guardian ad litem for the minor.

7 (c) Pursuant to a petition for emancipation under this
8 section, the court shall:

9 (1) Appoint client-directed counsel, at the State's
10 expense, to represent the minor throughout the
11 emancipation proceedings and provide counsel to the
12 minor regarding the rights, responsibilities, and
13 legal consequences associated with emancipation;

14 (2) Provide the youth with an informational pamphlet and
15 counseling explaining the youth's rights and
16 responsibilities as an emancipated youth and a listing
17 of alternatives to emancipation, if available;

18 (3) Provide for reasonable notice regarding the petition
19 and a hearing on the petition to the minor's parents
20 or legal guardian and to the minor. Upon a showing of
21 due diligence to locate the parents, if the parent or



1 parents cannot be located for purposes of notice, the
2 court may waive notice requirements; and

3 (4) At a hearing on the petition, and prior to issuing a
4 ruling on the petition, ensure the youth understands
5 the rights, responsibilities, and alternatives, if
6 any, to emancipation.

7 (d) The court may enter an order declaring the minor
8 emancipated if, after a hearing, it is found that:

9 (1) The minor has entered into a valid marriage, whether
10 or not that marriage has been terminated by
11 dissolution;

12 (2) The minor is on active duty with any of the armed
13 forces of the United States of America; or

14 (3) The minor willingly lives separate and apart from the
15 minor's parents or legal guardians, with the explicit
16 or implicit consent or acquiescence of the parents or
17 legal guardians, or even without consent, if the court
18 determines that the weight of evidence shows that the
19 best interest for the youth will be served by
20 separation from the parent or legal guardian, that the
21 minor is currently self-supporting or is capable of



1 self-support and of managing the minor's own financial
2 affairs, and that emancipation is in the best interest
3 of the minor.

4 (e) A minor emancipated under this section shall be
5 considered to have the rights and responsibilities of an adult,
6 except for those specific constitutional and statutory age
7 requirements including but not limited to, voting, use of
8 alcoholic beverages, and other relevant health and safety
9 regulations imposed based on age. A minor shall be considered
10 emancipated for the purposes of, but not limited to, all of the
11 following:

- 12 (1) The right to enter into enforceable contracts,
13 including apartment leases;
- 14 (2) The right to sue or be sued in the minor's own name;
- 15 (3) The right to retain personal earnings;
- 16 (4) The right to establish a separate domicile;
- 17 (5) The right to act autonomously, and with the rights and
18 responsibilities of an adult, in all business
19 relationships, including but not limited to, property
20 transactions and obtaining accounts for utilities,
21 except for estate or property matters that a court



- 1 determines may require a conservator or guardian ad
- 2 litem;
- 3 (6) The right to earn a living, subject only to the health
- 4 and safety regulations designed to protect those under
- 5 the age of majority regardless of their legal status;
- 6 (7) The right to file as an individual under state statute
- 7 and rules regarding income taxes;
- 8 (8) The right to authorize personal preventive health
- 9 care, medical care, dental care, mental health care,
- 10 and substance abuse treatment without parental
- 11 knowledge or liability;
- 12 (9) The right to apply for a driver's license or other
- 13 state licenses for which the minor may be eligible;
- 14 (10) The right to register for school;
- 15 (11) The right to marry;
- 16 (12) The right to personally apply for medical and other
- 17 public assistance benefits administered by the State
- 18 and the various counties, if needed;
- 19 (13) The right, if a parent, to make decisions and give
- 20 authority in caring for the minor's own minor child;
- 21 and



1 (14) The right to make a will.

2 (f) The parents of a minor emancipated by court order are
3 jointly and severally obligated to support the minor. However,
4 the parents of a minor emancipated by court order are not liable
5 for any debts incurred by the minor after emancipation.

6 (g) For purposes of this section:

7 "Emancipated youth" means a youth over sixteen years of age
8 and under eighteen years of age who has, with the explicit or
9 apparent assent of the youth's parents or guardian, demonstrated
10 independence from the youth's parents or guardians in matters of
11 care, custody, control, and earnings. The term may include, but
12 is not limited to, any such youth who has the sole
13 responsibility for the youth's own support, who is married, or
14 who is in the military.

15 "Minor" means a person under the age of majority."

16 SECTION 2. New statutory material is underscored.

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY: *Sharonne Chun Clark*



Report Title:

Emancipation of Minors; Unaccompanied Minors; Children; Parents;
Family Court

Description:

Provides a means by which an unaccompanied minor may petition the family court for emancipation, and directs the court regarding investigation of the petition, appointing counsel for the petitioner, and the findings necessary to grant the petition. Outlines the rights gained by the minor upon emancipation and jointly and severally obligates the parents to support the minor.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

