



The Judiciary, State of Hawai'i

Testimony to the Thirty-Second Legislature, 2023 Regular Session

House Committee on Finance
Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair

Friday, February 24, 2023 at 11:30 a.m.
Conference Room 308 & Via 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. 2, Relating to Children

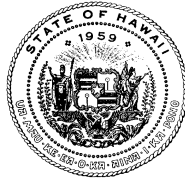
Purpose: Expands the original jurisdiction of family court to include proceedings for declaration of emancipation of minors. Specifies the rights of an emancipated minor. Establishes procedures for the emancipation of minors. Effective 6/30/3000. (HD2)

Judiciary's Position:

The Judiciary takes no position on House Bill No. 349, but we express our gratitude for the amendments made by the Committee on Judiciary and Hawaiian Affairs in H.D.2.

In order to accommodate changes to the filing of emancipation petitions, the Judiciary must make certain operational changes. These may include changes to the Judiciary Electronic Filing and Service System (JEFS) and Judiciary Information Management System (JIMS). To allow us sufficient time to address these operational issues, we respectfully request that this Act take effect on January 1, 2024.

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



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on HB349 HD2
RELATING TO CHILDREN.**

REP. KYLE T. YAMASHITA, CHAIR
HOUSE COMMITTEE ON FINANCE

Hearing Date: February 24, 2023

Room Number: 308

1 **Fiscal Implications:** To be determined.

2 **Department Testimony:** The Department of Health (DOH) Child and Adolescent Mental
3 Health Division (CAMHD) offers this comment:

4 CAMHD recommends that if the CAMHD is to participate in mental health evaluations,
5 only mental health findings will be reported on; however, emancipation determinations
6 require information on financial independence, housing, family functioning, physical
7 health, medical care as well as mental health and therefore it would not be appropriate for
8 the CAMHD to make an emancipation recommendation.

9 Should CAMHD be mandated to do mental health evaluations, CAMHD respectfully requests:

- 10
- Family court make the determination on whether or not the minor or their parents or
11 guardian is unable to pay for the evaluation before referring the client for an
12 evaluation;
 - Data be provided on the estimated number of evaluations that would be needed
13 annually.
 - Resources be provided to meet the additional needs for the evaluations.
- 14
15

- 1 Currently mental health evaluations are completed by qualified mental health professionals (i.e.
- 2 CAMHD clinical staff or contracted CAMHD providers). CAMHD covers the cost of these
- 3 evaluations using state funds.

- 4 Thank you for the opportunity to testify.



HAWAI`I YOUTH SERVICES NETWORK

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Vonnell Ramos, President
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Jefferson Gourley, Secretary

Judith F. Clark, Executive
Director

Network Membership

*Bay Clinic
Big Brothers Big Sisters Hawai`i
Big Island Substance Abuse
Council
Bobby Benson Center
Child and Family Service
Coalition for a Drug-Free Hawai`i
Collins Consulting, LLC
Domestic Violence Action Center
EPIC `Ohana, Inc.
Family Programs Hawai`i
Family Support Hawai`i
Friends of the Children's Justice
Center of Maui
Get Ready Hawai`i
Hale Kipa, Inc.
Hale `Opio Kaua`i, Inc.
Hawai`i Children's Action
Network
Hawai`i Health & Harm
Reduction Center
Ho`ola Na Pua
Ho`okele Coalition of Kaua`i
Ka Hale Pomaika`i
Kahi Mohala
Kokua Kalihi Valley
Kaua`i Planning and Action
Alliance
Maui Youth and Family Services
Na Pu`uwai Molokai Native
Hawaiian Health Care
Systems
P.A.R.E.N.T.S., Inc.
Parents and Children Together
PHOCUSED
PFLAG – Kona, Big Island
Planned Parenthood of the
Great Northwest, Hawaii
Alaska, Kentucky, Indiana
Residential Youth Services
& Empowerment (RYSE)
Salvation Army Family
Intervention Services
Sex Abuse Treatment Center
Susannah Wesley Community
Center
The Catalyst Group*

February 22, 2023

To: Representative Kyle Yamashita, Chair,
And members of the Committee on Finance

**TESTIMONY IN SUPPORT OF
HB349 HD 2 RELATING TO CHILDREN**

Hawaii Youth Services Network supports SB 349 HD 2 Relating to Children.

The legislation includes necessary safeguards to ensure that the minor:

- Has the skills and resources to live independently
- is not seeking emancipation due to duress or coercion by a parent or guardian. In the Hawaii Street Youth Survey, 41% of the youth reported that they were forced to leave home by their parents.
- Can continue to receive educational and other services intended for and needed by adolescents.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH
Executive Director

HB-349-HD-2

Submitted on: 2/22/2023 3:28:56 PM

Testimony for FIN on 2/24/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawaii	Support	Remotely Via Zoom

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 HD 2.

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

Opportunity Youth Action Hawai'i

Committee: House Committee on Finance
Hearing Time: 11:30 a.m., February 24, 2023
Location: State Capitol, Conference Room 308
Re: HB349 HD2, Relating to Children

Aloha e Representative Yamashita and members of the Committee:

We are writing in **strong support** of HB 349 HD2, 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; provide that emancipation does not confer upon minors the right to purchase, possess, consume, or sell tobacco products or electronic smoking devices; 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 homelessness 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.



Residential Youth Services & Empowerment

February 23, 2023

TO: House Committee on Judiciary and Hawaiian Affairs
Chair Tarnas, Vice Chair Takayama , and Members of the Committee.

FROM: Carla Houser, Executive Director
Residential Youth Services & Empowerment (RYSE)

SUBJECT: HB 349, HD2 Relating to Children

Hearing: February 24, 2023, 11:30a
State Capitol, Conference Room 308

POSITION: RYSE strongly supports this measure.

Since passage of Act 23, Session Laws of Hawaii 2021, RYSE has sheltered more than 30 unaccompanied minors, ages 15-17. These young people are living independently of their parents, and making decisions about their own future as it relates to their education, employment and health needs. Unfortunately, without emancipation, these youth are often stuck in temporary shelter settings, waiting to turn 18 yrs old to sign a lease and move on with their life.

We are in strong support of expanding the family court jurisdiction to include a process for minors, especially those experiencing homelessness, to have a pathway to emancipation.

Mahalo for this opportunity to submit testimony.

Sincerely,

Carla Houser
Executive Director, RYSE

HB-349-HD-2

Submitted on: 2/24/2023 10:10:02 AM

Testimony for FIN on 2/24/2023 11:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Hanash	AHA Foundation	Oppose	Written Testimony Only

Comments:

TESTIMONY IN OPPOSITION OF HB349: NO EMANCIPTION LOOPHOLE FOR CHILD MARRIAGE IN HI

PRESENTED TO THE HOUSE COMMITTEE ON FINANCE ON FEBRUARY 24, 2023

Chair Yamashita, Vice Chair Kitagawa and distinguished committee members:

Thank you for this opportunity to present testimony on HB349. AHA's opposition to HB349 is limited to its creation of an emancipation loophole in the marriage laws, which furthers child marriage, a recognized human rights abuse. AHA respectfully requests that you amend HB349 by striking "Marry" from proposed subsection (c)11 of Section 577-25 of the bill.

Child marriage, or marriage before 18, is currently legal in Hawaii. The current marriage laws in Hawaii emancipate minors upon marriage. While this is already problematic and dangerous for many reasons, including teen homelessness (minors may become financially dependant on their spouses, but 70-80 percent of child marriages end in divorce, and following a minor's marriage parents are no longer responsible for them), HB349 would create a new loophole in the marriage laws, allowing emancipated minors to enter into marriage. HB349 must be amended to remove this dangerous new loophole.

First, emancipation is intended to help children who cannot be reunited with their parents, not to enter minors into contractual sexual relationships.

Second, emancipation gives minors some limited rights of adulthood, ones which are needed to navigate the world alone, but an emancipated minor is not an adult and marriage is not a necessity for minors. Just as emancipation under HB349 would not give minors in Hawaii the right to vote, buy alcohol or use tobacco products until they reach the age required for those activities, HB349 should not allow minors to marry before 18, especially given the many serious harms of marriage before 18.

Third, as emancipated minors' legal rights are limited, a marriage involving an emancipated minor can easily be forced. An emancipated minor may still might have problems leaving home, entering a shelter or taking other steps to escape an unwanted marriage. Emancipated minors might face obstacles accessing even the rights they do have because of practical barriers. For

instance, a landlord may be hesitant to rent an apartment to a 16-year-old minor, even one that is emancipated.

Fourth, allowing marriage for emancipated minors creates the horrific possibility that parents who are determined to force a child to marry will first force the child to emancipate. It also eliminates what may be the only option advocates have to assist a minor being forced to marry. Our allies encountered this first-hand, immediately following enactment of an emancipation for marriage loophole in Texas. Parents were planning to take their daughter abroad to force her to marry, and our allies were unable to help that minor seek emancipation for fear the parents would simply force their daughter to marry at home. Had this exception not existed, the minor would have had two years to complete her education and create a plan.

Fifth, marriage before 18 creates devastating, lifelong consequences for girls. Child marriage destroys girls' economic and educational opportunities and jeopardizes their physical safety. The many repercussions of child marriage do not disappear by stamping "emancipated" on a girl's forehead. Various data demonstrating the harms of child marriage for girls include data on emancipated minors, as in certain places such as Hawaii, minors are emancipated upon marriage.

There is currently legislation pending to eliminate the existing loopholes in the marriage laws that allow child marriage in Hawaii. We respectfully request that you **amend** HB349 by striking "Marry" from proposed subsection (c)11 of Section 577-25 of the bill, in order to not create a new loophole that advances child marriage, and can be used to abuse and exploit minors.

About AHA Foundation

AHA Foundation is a 501(c)3 nonprofit founded by women's rights activist Ayaan Hirsi Ali, and is the leading organization working to end honor violence that shames, hurts or kills thousands of women and girls in the U.S. each year, and puts millions more at risk. We ensure that women and girls of all races, cultures, religions, beliefs and backgrounds who are facing honor violence have a way out, and that survivors get the help they need to thrive.

Since 2010, the Foundation's programs include: 1) compiling data on these crimes, which are not currently tracked by U.S. law enforcement or government agencies, 2) publishing reports and articles and organizing conferences about the continued oppression of women and girls in the U.S., 3) outreach and education to expand and strengthen state and national legislation for the protection of women and girls, 4) training of law enforcement and service providers, and 5) connecting women and girls in crisis to appropriate services. AHA Foundation has trained over 3,400 frontline service providers on responding to cases of gender based violence, honor violence and forced marriage, and partnered with Crisis Text Line to create America's first honor violence and forced marriage helpline.