



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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**Testimony COMMENTING on HB349 HD2
RELATING TO CHILDREN.**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: March 14, 2023

Room Number: 016

- 1 **Fiscal Implications:** To be determined.
- 2 **Department Testimony:** The Department of Health's (DOH) Child and Adolescent Mental
- 3 Health Division supports the intent of HB349, "Relating to Children" as youth, when
- 4 appropriate, deserve a pathway to emancipation. We offer a comment.
- 5 There are state agencies who recommend custody, placement, adoption and emancipation
- 6 decisions, all of which are outside of the Child and Adolescent Mental Health Division's
- 7 expertise. It is therefore recommended that such an agency with this expertise and experience be
- 8 the one to provide an evaluation that will determine a minor's readiness for emancipation.
- 9 Thank you for the opportunity to testify.



The Judiciary, State of Hawai'i

Testimony to the Thirty-Second Legislature, 2023 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, March 14, 2023 at 9:30 a.m.
Conference Room 016 & 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, H.D. 2. At page 9, the Judiciary is mandated to "prepare and make available to the public forms that may be used in emancipation proceedings." In order to create these forms, ensure their ADA compliance, and make these forms available to the public, the Judiciary respectfully requests an effective date of September 1, 2023.

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

HB-349-HD-2

Submitted on: 3/10/2023 5:09:52 PM

Testimony for JDC on 3/14/2023 9:30:00 AM

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

Comments:

Aloha Senators,

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

HB-349-HD-2

Submitted on: 3/10/2023 9:32:33 PM

Testimony for JDC on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Testifying for Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports HB349. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member



HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Blvd., Suite 904

Honolulu, Hawaii 96813

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Web site: <http://www.hysn.org> E-mail: info@hysn.org

Vonnell Ramos, President
Cyd Hoffeld, Vice President
Sione Ford Naeata, Treasurer
Jefferson Gourley, Secretary

Judith F. Clark, Executive
Director

Network Membership

*Bay Clinic
Big Brothers Big Sisters Hawaii
Big Island Substance Abuse
Council
Bobby Benson Center
Child and Family Service
Coalition for a Drug-Free Hawaii
Collins Consulting, LLC
Domestic Violence Action Center
EPIC 'Ohana, Inc.
Family Programs Hawaii
Family Support Hawaii
Friends of the Children's Justice
Center of Maui
Get Ready Hawaii
Hale Kipa, Inc.
Hale 'Opio Kaua'i, Inc.
Hawaii Children's Action
Network
Hawaii 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*

March 11, 2023

To: Senator Karl Rhoads, Chair,
And members of the Committee on Judiciary

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

Hawaii Youth Services Network supports HB 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: 3/13/2023 8:30:51 AM

Testimony for JDC on 3/14/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carla Houser	Testifying for RYSE (Residential Youth Services & Empowerment)	Support	Written Testimony Only

Comments:

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.

HB-349-HD-2

Submitted on: 3/13/2023 9:52:20 AM

Testimony for JDC on 3/14/2023 9:30:00 AM

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

Comments:

Please support HB349 HD2.

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senate Judiciary Committee Members

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

Date: March 14, 2023

Re: Crucial safeguards to HB349 HD2

Good Morning Chair Rhoads, Vice Chair Gabbard & Senate Judiciary Committee Members,

Please do not aid and abet child and human traffickers by not including safeguards into this measure!!!

As a Domestic Violence Survivor Advocate, I have a constant eye on how rules, laws, policies and 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, ie: an abuser or child/human trafficker.

On Page 11, Lines 3-5 please consider adding:

“and in absence of undue influence or coercion by any third party;”

So the line will read:

(3) 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;

On Page 11, Line 18-19 please consider adding

“or by any other third party;”

So the line will read:

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

The appointment of a guardian ad litem should safeguard the process as well as flush out or make known any nefarious third party involvement, BUT if a comprehensive professional assessment of the situation (to include interviews with the minor parents or guardians) is not a part of HB349, may I strongly suggest that such investigative wording be included. Such wording serves as a deterrent and will help to ensure that the court does not inadvertently emancipate a minor from protective parents and place him/her into the captivity of an abuser or child trafficker waiting for such a decision.

Thank you for this opportunity to provide safeguard recommendations to HB349 HD2.

Respectfully,

Dara Carlin, M.A.

Domestic Violence Survivor Advocate



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CELEBRATING DIGNITY

**TESTIMONY IN OPPOSITION OF HB349: NO EMANCIPTION LOOPHOLE FOR CHILD MARRIAGE IN HI
PRESENTED TO THE SENATE COMMITTEE ON JUDICIARY ON MARCH 14, 2023**

Chair Rhoads, Vice Chair Gabbard 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.



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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 has been legislation pending this session to eliminate the existing loopholes in the law 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.