



The Judiciary, State of Hawai'i

**Testimony to the Thirty-First Legislature, 2021 Regular Session
House Committee on Health, Human Services, and Homelessness**

Representative Ryan I. Yamane, Chair
Representative Adrian K. Tam, Vice Chair

Tuesday, March 16, 2021 at 9:30 a.m.
State Capitol, Conference Room 329
VIA VIDEO CONFERENCE

by

Judge Christine E. Kuriyama
Senior Judge, Deputy Chief Judge
Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 821, S.D.2, Relating to Children.

Purpose: Allows a minor who has reached the age of 16 to petition the Family Court for emancipation, and directs the court regarding investigation of the petition, appointment of legal counsel and a guardian ad litem for the petitioner, and the findings necessary to grant the petition. Specifies the rights gained by the minor upon emancipation and authorizes the court to require the minor's parents or legal guardians to pay for any services ordered by the court. (SD2)

Judiciary's Position:

The Judiciary offers the following comments on this measure and the revisions set forth in Senate Bill No. 821, S.D. 2:

1. Mandatory appointment of Guardian Ad Litem ("GAL"): In anticipation of appointing a GAL in every emancipation case, the Legislature will need to appropriate sufficient funding for this expense as the Judiciary's current budget does not include and account for this additional proposed expense.



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2. Mandatory appointment of counsel for the minor: This mandate raises the same costs/expense concerns as noted above.
3. Unfortunately, the Judiciary is unable to predict the additional costs at this time because any additional costs will depend upon the number of cases filed and the amount of work performed by the GAL and court-appointed counsel.
4. It should also be noted that if a GAL and a court-appointed counsel are ordered for a minor in every case, subparts (b)(3) and (4) should be removed since it will be their duties to look out for the best interests of the minor and provide the minor with legal advice. The Family Court, which will ultimately make a decision on the petition, should not be in the position of providing legal advice to a party.
5. Further, the Legislature should also consider amending HRS Section 571-87 to include emancipation cases. Court-appointed GALs charge \$60.00/hour for out of court tasks and \$90.00/hour for in-court tasks pursuant to HRS Section 571-87.

Thank you for the opportunity to testify on this measure.

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

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

Carole Gruskin, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters of 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, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children of West Hawaii

Friends of the Children's Justice Center of Maui

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

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 (PACT)

PHOCUSED

PFLAG – Kona Big Island

Planned Parenthood of the Great Northwest and

Hawaiian Islands

Residential Youth Services & Empowerment (RYSE)

Salvation Army Family Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

March 12, 2021

To: Representative Ryan Yamane, Chair
And members of the Committee on Human Services and Housing

Testimony in Support of SB 821 SD 2 Relating to Children

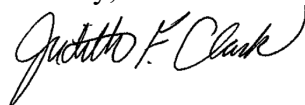
Hawaii Youth Services Network, a statewide coalition of youth-serving organizations, supports SB 821 SD 2 Relating to Children

This bill includes adequate safeguards to ensure that a minor seeking to emancipate:

- Possesses the necessary knowledge and skills to take on adult responsibilities.
- Is able to financially support him or herself.
- Understands and accepts the responsibilities he/she is taking on.
- Is not seeking emancipation due to duress or coercion by a parent or guardian.
- 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