

STAND. COM. REP. NO.

1040

Honolulu, Hawaii

MAR 19 , 2021

RE: S.B. No. 821
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred S.B. No. 821, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow a minor who has reached the age of sixteen to petition the Family Court for emancipation;
- (2) Direct the Family Court regarding investigation of the petition, appointment of legal counsel and a guardian ad litem for the petitioning minor, and the findings necessary to grant the petition for emancipation;
- (3) Specify the rights gained by the minor upon emancipation; and
- (4) Authorize the Family Court to require the minor's parents or legal guardians to pay for any services ordered by the Family Court.



Your Committee received testimony in support of this measure from the Hawaii Youth Services Network. Your Committee received comments on this measure from the Judiciary.

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 this measure includes necessary safeguards to ensure that a minor seeking to emancipate possesses the necessary knowledge and skills to take on adult responsibilities, is capable of financial self-support, is not under duress or coercion from a parent or legal guardian to seek emancipation, and can continue to receive educational and other services intended and needed by adolescents.

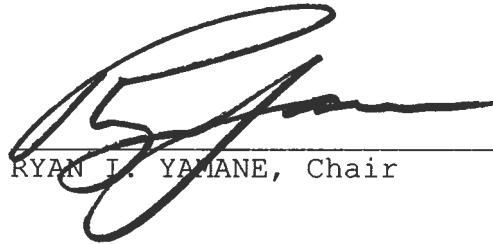
Your Committee has amended this measure by:

- (1) Making mandatory, rather than permissive, the Family Court's obligations to:
 - (A) Order investigations by Child Welfare Services or order a minor to undergo a mental health evaluation;
 - (B) Enter an order declaring the minor emancipated if certain factors are met by clear and convincing evidence; and
 - (C) Require a minor's parents or legal guardians to pay for any services ordered by the Family Court;
- (2) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health, Human Services, & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 821, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 821, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



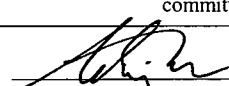
Respectfully submitted on
behalf of the members of the
Committee on Health, Human
Services, & Homelessness,



RYAN I. YAMANE, Chair



Record of Votes of the Committee on Health, Human Services, & Homelessness

Bill/Resolution No.: SB 821, SD 2	Committee Referral: HHH, JHA, FIN	Date: 3/16/2021		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HHH Members	Ayes	Ayes (WR)	Nays	Excused
1. YAMANE, Ryan I. (C)	✓			
2. TAM, Adrian K. (VC)	✓			
3. GATES, Cedric Asuega	✓			
4. HAR, Sharon E.	✓			
5. KAPELA, Jeanne	✓			
6. LoPRESTI, Matthew S.				✓
7. NISHIMOTO, Scott Y.	✓			
8. WARD, Gene	✓			
TOTAL (8)	7			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				