

STAND. COM. REP. NO.

529

Honolulu, Hawaii

FEB 16 , 2023

RE: H.B. No. 349  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 349, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Expand the original jurisdiction of family court to include proceedings concerning the emancipation of minors;
- (2) Specify the rights of an emancipated minor; and
- (3) Establish procedures for the emancipation of minors.

Your Committee received testimony in support of this measure from Opportunity Youth Action Hawai'i, Stonewall Caucus of the Democratic Party of Hawai'i, and two individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that this measure will provide a more comprehensive statutory framework for the emancipation of minors in family court.

Your Committee has amended this measure by:

2023-1470 HB349 HD2 HSCR HMSO-1



- (1) Providing that emancipation does not confer upon an emancipated minor the right to purchase, possess, consume, or sell tobacco products or electronic smoking devices;
- (2) Deleting language that would have made an indigent minor's declaration of emancipation subject to rescission if the minor had no means of support other than public assistance;
- (3) Allowing the minor's parents or former guardian, instead of the minor's conservator, to petition to rescind a declaration of emancipation on the ground that the minor has become indigent;
- (4) Clarifying the court's authority to order reasonable fees for counsel, experts, and other costs of services required in relation to a petition for declaration of emancipation; and
- (5) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 349, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 349, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



