

ACT 36

H.B. NO. 1978

A Bill for an Act Relating to Special Immigrant Juvenile Status.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that federal law provides protections to individuals classified as special immigrant juveniles. The legislature further finds that, consistent with the actions of other states, the State may assist individuals in claiming special immigrant juvenile status by clarifying that family court has jurisdiction over unmarried individuals under twenty-one years of age for purposes of awarding custody or guardianship pursuant to a motion for factual findings within the meaning of the Immigration and Nationality Act, title 8 United States Code section 1101(a)(27)(J).

SECTION 2. Section 571-11, Hawaii Revised Statutes, is amended to read as follows:

“§571-11 Jurisdiction; children. Except as otherwise provided in this chapter, the court shall have exclusive original jurisdiction in proceedings:

- (1) Concerning any person who is alleged to have committed an act prior to achieving eighteen years of age that would constitute a violation or attempted violation of any federal, state, or local law or county ordinance. Regardless of where the violation occurred, jurisdiction may be taken by the court of the circuit where the person resides, is living, or is found, or in which the offense is alleged to have occurred;
- (2) Concerning any child living or found within the circuit:
 - (A) Who is neglected as to or deprived of educational services because of the failure of any person or agency to exercise that degree of care for which it is legally responsible;
 - (B) Who is beyond the control of the child's parent or other custodian or whose behavior is injurious to the child's own or others' welfare;
 - (C) Who is neither attending school nor receiving educational services required by law whether through the child's own misbehavior or nonattendance or otherwise; or
 - (D) Who is in violation of curfew;
- (3) To determine the custody of any child or appoint a guardian of any child;
- (4) For the adoption of a person under chapter 578;
- (5) For the termination of parental rights under sections 571-61 through 571-63;
- (6) For judicial consent to the marriage, employment, or enlistment of a child, when consent is required by law;
- (7) For the treatment or commitment of a mentally defective or mentally ill child, or a child with an intellectual disability;
- (8) Under the Interstate Compact on Juveniles under chapter 582 or the Interstate Compact for Juveniles under chapter 582D;
- (9) For the protection of any child under chapter 587A; ~~and~~
- (10) For a change of name as provided in section 574-5(a)(2)(C)[-]; and
- (11) Concerning custody or guardianship of an immigrant child pursuant to a motion for special immigrant juvenile factual findings requesting a determination that the child was abused, neglected, or abandoned before the age of eighteen years for purposes of section 101(a)(27)(J) of the federal Immigration and Nationality Act. For the purposes of this paragraph, "child" means an unmarried individual under the age of twenty-one years."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved September 15, 2020.)