

STAND. COM. REP. NO. 1192

Honolulu, Hawaii

MAR 20 2025

RE: H.B. No. 320
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred H.B. No. 320, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SUPPORTED DECISION-MAKING AGREEMENTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow qualified adults, including adults with a disability, mentally ill adults, and adults sixty-five years of age or older, to enter into supported decision-making agreements with one or more members of a supportive community; and
- (2) Specify the terms of a supported decision-making agreement, including access to personal information, agreement requirements, and circumstances for termination.

Your Committee received testimony in support of this measure from the Department of Human Services, State Council on Developmental Disabilities, Executive Office on Aging, one member of the Kaua'i County Council, Disability and Communication Access Board, Hawaii Disability Rights Center, The Arc in Hawaii, Full



Life, Hawaii Self-Advocacy Advisory Council, Easterseals Hawaii, Special Education Advisory Council, and nineteen individuals.

Your Committee received comments on this measure from the Guardianship Conservatorship Working Group.

Your Committee finds that many individuals, including adults with a disability, mentally ill adults, and adults sixty-five years of age or older, have limited options for decision-making support, often being placed under restrictive guardianship arrangements that unnecessarily strip away their basic rights and dignity. Your Committee further finds that guardianship often deprives individuals of the ability to make key life decisions, ranging from medical choices to financial matters and personal relationships, undermining their independence and fostering exclusion rather than empowerment. Accordingly, by establishing a framework to allow individuals to enter into supported decision-making agreements with one or more members of the individual's supportive community, this measure affirms the autonomy, dignity, and self-determination of individuals who may require support in decision-making but do not need or want restrictive guardianship or conservatorship.

Your Committee has amended this measure by:

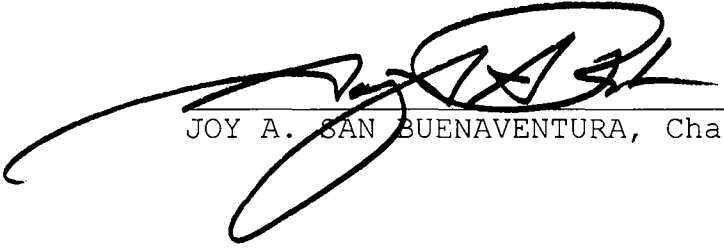
- (1) Deleting language that would have prohibited a qualified adult from entering into a supported decision-making agreement with a member of the supportive community who provides paid support services to the qualified adult;
- (2) Deleting language that would have required a supported decision-making agreement to be automatically terminated if the member of the supportive community who entered into the decision-making agreement provides paid support services to the qualified adult; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 320, H.D. 2, as amended herein, and recommends that it



pass Second Reading in the form attached hereto as H.B. No. 320, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

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



JOY A. SAN BUENAVENTURA, Chair



Record of Votes
Committee on Health and Human Services
HHS

*Only one measure per Record of Votes