

STAND. COM. REP. NO.

372

Honolulu, Hawaii

**FEB 12 2025**

RE: S.B. No. 788  
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 Judiciary, to which was referred S.B.  
No. 788 entitled:

"A BILL FOR AN ACT RELATING TO GUARDIANSHIP AND  
CONSERVATORSHIP SERVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a two-year guardianship and conservatorship related court resources pilot program in the Circuit Court of the First Circuit that will ensure these resources are available to all respondents.

Your Committee received testimony in support of this measure from the Judiciary, Disability and Communication Access Board, 'Apoākea Native Hawaiian Innovation Institute, and two individuals.

Your Committee received comments on this measure from the Hawai'i State Council on Developmental Disabilities and Hawaii Disability Rights Center.

Your Committee finds that since 2023, the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act Working Group has met regularly under the facilitation of the staff of the Hawai'i State Council on Developmental Disabilities. An important issue identified by the Working Group is the accessibility of certain resources that the court may order for individuals. The specific services are "kokua kanawai", who are



individuals appointed by the court to review the personal circumstances of the respondent and provide the court with an independent assessment of the situation; guardians ad litem, who are individuals appointed by the court to represent the best interests of the respondent; and physician's letters and reports, also statutorily referred to as a "professional evaluation", by a physician, psychologist, or other individual appointed by the court who is qualified to evaluate the respondent's alleged impairment. While the court has the statutory authority to order these resources, it does not always order them. The information provided by these resources supplies the court with essential information and makes the procedures surrounding guardianship and conservatorship more equitable. Your Committee also finds that when individuals do not receive these resources, it is usually because they do not have the personal finances to afford them. This measure will ensure that individuals requiring certain resources have access to these necessary services when financial barriers would otherwise prevent them from obtaining those services.

Your Committee has amended this measure by:

- (1) Changing the appropriations to unspecified amounts; and
- (2) Inserting an effective date of April 23, 2057, to encourage further discussion.

Your Committee notes that this measure, as amended, contains unspecified appropriation amounts. Should your Committee on Ways and Means choose to deliberate on this measure, your Committee respectfully requests that it consider inserting appropriation amounts of:

- (1) \$100,000 for the provision of guardianship and conservatorship related court resources in the First Circuit Probate Court as part of the pilot program established by this measure; and
- (2) \$100,000 for the guardianship and conservatorship related court resources in the First Circuit Family Court as part of the pilot program established by this measure.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 788, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 788, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,




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KARL RHOADS, Chair



The Senate  
Thirty-Third Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB788</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">JDC, WAM</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">1/31/25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton				✓
<b>TOTAL</b>	4	—	—	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive;">  </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div style="width: 20%;"> <b>Distribution:</b>  <input checked="" type="checkbox"/> File with Committee Report         </div> <div style="width: 20%;"> <input type="checkbox"/> Original            Yellow Clerk's Office         </div> <div style="width: 20%;"> <input type="checkbox"/> Pink            Drafting Agency         </div> <div style="width: 20%;"> <input type="checkbox"/> Goldenrod            Committee File Copy         </div> </div>				

\*Only one measure per Record of Votes