



The Judiciary, State of Hawaii

Testimony to the House Committee on Human Services

Representative John M. Mizuno, Chair

Representative Jo Jordan, Vice Chair

Thursday, February 2, 2012, 8:30 a.m.

State Capitol, Conference Room 329

by

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Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2193, Relating to Adult Guardianship and Protective Proceedings Jurisdictions

Purpose: Adopts the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act to ensure that only one State has jurisdiction at any one time. Contains specific guidelines to specify which court has jurisdiction to appoint a guardian or conservator for an incapacitated adult. Prioritizes the states that may claim jurisdiction.

Judiciary's Position:

The Judiciary takes no position on the merits of House Bill No. 2193; however, we respectfully offer the following comments and concerns:

This bill may not be necessary and may subject families and guardians to increased complexity and procedure. For example, under Hawaii law, the circuit court has jurisdiction over protective proceedings and the family court has jurisdiction over guardianship proceedings (HRS Section 560:1-302). Hawaii law defines "protective proceeding" as a "proceeding held pursuant to part 4 of article V" of the Uniform Probate Code- HRS Chapter 560. Part 4 relates to the protection of property of protected persons. Under the uniform law, which is the subject of this bill, "protective proceeding" is defined as "a judicial proceeding in which a protective order is sought or has been issued" (p.3, lines 1-2).



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Currently, families are able to seek guardianship for challenged minors before they turn 18 years of age, thus providing seamless protection after the minor reaches the age of majority. This bill appears to not allow that as it defines an "incapacitated person" as an adult (p.2, lines 8-9).

In addition, we also have concerns with regard to its potential negative impact to judicial operations. As currently drafted, this measure would require changes to court policies, procedures, and rules. In light of the budget shortages caused by the current economic downturn, the Judiciary is concerned that the additional work this measure might create would consume valuable and limited staff resources.

Thank you for the opportunity to testify on this measure.