STAND. COM. REP. NO. 3021

Honolulu, Hawaii

MAR 2 3 2016

RE: H.B. No. 1585

H.D. 2 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 1585, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO GUARDIANSHIP,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit a guardian of an incapacitated adult ward from restricting the personal communication rights of the ward unless the guardian deems that personal communication rights pose a risk to the safety or well-being of the ward.

Your Committee received testimony in support of this measure from the Judiciary, Catherine Falk Organization, and two individuals.

Your Committee finds that the lives of incapacitated adult wards are enriched through personal visits, phone calls, and mail from family members and friends, and this type of personal communication is important for the physical and mental health of adult wards. However, your Committee also recognizes that some personal communication may be harmful to a ward's financial security or emotional well-being. This measure seeks to balance the rights of wards to engage and communicate with others and the duty of guardians to protect the wards' health, safety, and welfare.

Your Committee has amended this measure by inserting an effective date of January 7, 2059, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1585, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1585, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

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

GILBERT S.C. KEITH-AGARAN, Chair

The Senate Twenty-Eighth Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral: Date:,					
HB 1585 HD2	JDL			3/14/11	/	
The Committee is reconsidering its previous decision on this measure.						
If so, then the previous decision was to:						
The Recommendation is:						
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye	Aye (WR)	Nay	Excused	
KEITH-AGARAN, Gilbert S.C. (C)						
SHIMABUKURO, Maile S.L. (VC)						
GABBARD, Mike						
KAHELE, Kaiali'i						
KIM, Donna Mercado						
THIELEN, Laura H.						
SLOM, Sam						
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TOTAL						
Recommendation: Adopted		4	Not Adopted			
Chair's or Designee's Signature:						
Distribution: Original File with Committee Re		ellow 's Office	Pink Drafting Agency		denrod ee File Copy	

*Only one measure per Record of Votes