
A BILL FOR AN ACT

RELATING TO GUARDIANSHIP.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 560:5-312, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) If the court finds that compliance with the
4 procedures of this part will likely result in substantial harm
5 to the respondent's health, safety, or welfare, or where the
6 respondent resides in a psychiatric facility, hospital, or
7 homeless shelter, and that no other person appears to have
8 authority and willingness to act in the circumstances, the
9 court, on petition by a person interested in the respondent's
10 welfare, may appoint an emergency guardian whose authority may
11 not exceed [~~ninety~~] one hundred twenty days and who may exercise
12 only the powers specified in the order. Immediately upon
13 appointment of an emergency guardian, the court may appoint a
14 lawyer to represent the respondent throughout the emergency
15 guardianship. Except as otherwise provided in subsection (b),
16 reasonable notice of the time and place of a hearing on the



1 petition shall be given to the respondent and any other persons
2 as the court directs."

3 SECTION 2. Section 560:5-315, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Except as otherwise limited by the court, a guardian
6 may:

7 (1) Apply for and receive money payable to the ward or the
8 ward's guardian or custodian for the support of the
9 ward under the terms of any statutory system of
10 benefits or insurance or any private contract, devise,
11 trust, conservatorship, or custodianship;

12 (2) If otherwise consistent with the terms of any order by
13 a court of competent jurisdiction relating to custody
14 of the ward, take custody of the ward and establish
15 the ward's place of custodial dwelling; provided that
16 a guardian may only establish or move the ward's place
17 of dwelling outside this State upon express
18 authorization of the court;

19 (3) If a conservator for the estate of the ward has not
20 been appointed with existing authority, commence a
21 proceeding, including an administrative proceeding, or



1 take other appropriate action to compel a person to
2 support the ward or to pay money for the benefit of
3 the ward;

4 (4) Consent to medical or other care, treatment, or
5 service for the ward[+], including care, treatment, or
6 service over the objection of the ward;

7 (5) Consent to the marriage or divorce of the ward; and

8 (6) If reasonable under all of the circumstances, delegate
9 to the ward certain responsibilities for decisions
10 affecting the ward's [~~well-being.~~] well-being."

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

13 SECTION 4. This Act shall take effect upon its approval;
14 provided that on January 1, 2028, this Act shall be repealed and
15 sections 560:5-312 and 560:5-315, Hawaii Revised Statutes, shall
16 be reenacted in the form in which they read on the day prior to
17 the effective date of this Act.

18

INTRODUCED BY: *B. Tan*

JAN 24 2023



H.B. NO. 1154

Report Title:

Uniform Probate Code; Guardians; Appointment; Powers

Description:

Amends the Uniform Probate Code to allow courts to appoint emergency guardians for respondents who reside in psychiatric facilities, hospitals, and homeless shelters. Extends the appointment period. Clarifies that guardians may consent to care, treatment, or service over the objection of wards. Sunsets 1/1/2028.

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