
HOUSE CONCURRENT RESOLUTION

ADOPTING THE UNIFORM GUARDIANSHIP, CONSERVATORSHIP, AND OTHER
PROTECTIVE ARRANGEMENTS ACT.

1 WHEREAS, the Uniform Guardianship and Protective
2 Proceedings Act, published by the Uniformed Law Commission, was
3 adopted by the Legislature in 2004 and codified as parts 1
4 through 4 of article V, chapter 560, Hawaii Revised Statutes;
5 and
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7 WHEREAS, the Uniformed Law Commission revised the Uniform
8 Guardianship and Protective Proceedings Act in 2017, renaming it
9 as the Uniform Guardianship, Conservatorship, and Other
10 Protective Arrangements Act (UGCOPAA); and
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12 WHEREAS, the UGCOPAA has three overarching goals: the
13 provision of care and services in a more person-centered
14 approach; promotion and protection of the rights and interests
15 of individuals in need of guardian or conservatorship; and
16 development and implementation of systems that make it easier
17 for all persons involved in the guardianship and conservatorship
18 process to meet these goals; and
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20 WHEREAS, the UGCOPAA, in furtherance of its first goal,
21 rejects outdated and offensive terminology and includes new
22 provisions that require the individuals subject to the
23 guardianship or conservatorship to be given meaningful notice of
24 their rights and how to assert them; require the involvement of
25 individuals subject to a guardianship or conservatorship in
26 decisions about their lives; and require the guardians and
27 conservators to create person-centered plans and facilitate
28 court monitoring of compliance with those plans; and
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30 WHEREAS, the UGCOPAA, in furtherance of its second goal,
31 includes provisions designed to ensure that the least
32 restrictive means are used to protect an individual alleged to
33 need a guardianship or conservatorship, provide better guidance



1 to guardians and conservators, and help courts monitor guardians
2 and conservators; and

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4 WHEREAS, the UGCOPAA, in furtherance of its third goal,
5 creates new petition requirements to ensure judges have the
6 information needed to make appropriate decisions, creates an
7 option for courts to enter orders instead of guardianship or
8 conservatorship where such less restrictive alternatives would
9 meet a respondent's needs, and offers model forms to make it
10 easier for petitioners to seek limited appointments instead of
11 full ones; and

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13 WHEREAS, it is crucial for the State to adopt the UGCOPAA
14 to make the process of establishing a guardianship or
15 conservatorship easier to understand for all individuals who
16 need to comply with its directives; now, therefore,

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18 BE IT RESOLVED by the House of Representatives of the
19 Thirty-second Legislature of the State of Hawaii, Regular
20 Session of 2024, the Senate concurring, that this body adopt the
21 UGCOPAA in the form most recently published by the Uniformed Law
22 Commission; and

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24 BE IT FURTHER RESOLVED that this body introduce and support
25 proposed legislation that reflects a more person-centered
26 philosophy, adopting the revisions that identify and remove
27 intangible barriers for individuals living with developmental
28 disabilities thereby improving access to goods, services, and
29 interests to their managed care; and

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31 BE IT FURTHER RESOLVED that certified copies of this
32 Concurrent Resolution be transmitted to the President of the
33 Senate, Speaker of the House of Representatives, Director of
34 Human Services, Director of Health, and Attorney General.

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OFFERED BY: 
MAR 07 2024

