

MAR 08 2024

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# SENATE 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

11  
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21 rejects outdated and offensive terminology and includes new  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

3  
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

12  
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 Senate of the Thirty-second  
19 Legislature of the State of Hawaii, Regular Session of 2024, the  
20 House of Representatives concurring, that this body adopt the  
21 UGCOPAA in the form most recently published by the Uniformed Law  
22 Commission; and

23  
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

30  
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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37 OFFERED BY: 

