

JAN 17 2025

A BILL FOR AN ACT

RELATING TO GUARDIANSHIP AND CONSERVATORSHIP SERVICES.

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

1 SECTION 1. The legislature finds that since 2023 a working
2 group has been formed to identify and address issues in the
3 State's guardianship and conservatorship statutory procedures.
4 This working group is named the "uniform guardianship,
5 conservatorship, and other protective arrangements act working
6 group", and it has met regularly in 2024 under the facilitation
7 of the staff of the Hawaii state council on developmental
8 disabilities. An important issue identified by the working
9 group is the accessibility of certain resources that the court
10 may order for individuals, also statutorily referred to as
11 respondents, for whom a guardianship or conservatorship is being
12 sought. The specific services are "kokua kanawai", who are
13 individuals appointed by the court to review the personal
14 circumstances of the respondent and provide the court with an
15 independent assessment of the situation; guardians ad litem, who
16 are individuals appointed by the court to represent the best
17 interests of the respondent; and physician's letters and



1 reports, also statutorily referred to as a "professional
2 evaluation", by a physician, psychologist, or other individual
3 appointed by the court who is qualified to evaluate the
4 respondent's alleged impairment.

5 While the court has the statutory authority to order these
6 resources, it does not always order them. The information
7 provided by these resources supplies the court with essential
8 information to support a court's informed decisions regarding
9 the capacity and circumstances of respondents. Overall, they
10 make the procedures surrounding guardianship and conservatorship
11 more equitable. When respondents do not receive these
12 resources, it is usually because they do not have the personal
13 finances to afford them.

14 Accordingly, the purpose of this Act is to establish a two-
15 year guardianship and conservatorship related court resources
16 pilot program in the circuit court of the first circuit that
17 will ensure these resources are available to all respondents.

18 SECTION 2. (a) There is established within the judiciary
19 a two-year pilot program in the probate court and family court
20 of the first circuit to fund the following guardianship and
21 conservatorship related court resources in situations where the



1 respondent does not have sufficient funds to pay for one or more
2 of the resources and the court has deemed the resource or
3 resources beneficial:

4 (1) An investigation and report by a kokua kanawai
5 appointed with the powers and duties pursuant to
6 sections 560:5-305(c) and 560:5-305(d), Hawaii Revised
7 Statutes, for guardianships and powers and duties
8 pursuant to sections 560:5-406(c) and 560:5-406(d),
9 Hawaii Revised Statutes, for conservatorships;

10 (2) A guardian ad litem appointed pursuant to section
11 560:5-115, Hawaii Revised Statutes; and

12 (3) A professional evaluation of the respondent's alleged
13 impairment pursuant to section 560:5-306, Hawaii
14 Revised Statutes, for guardianships or section
15 560:5-406(f), Hawaii Revised Statutes, for
16 conservatorships, that includes information as noted
17 in rule 102, Hawaii probate rules.

18 (b) The judiciary shall submit a report of its findings
19 and recommendations, including any proposed legislation, to the
20 governor and legislature no later than forty days prior to the
21 convening of the regular sessions of 2026 and 2027 on the



1 guardianship and conservatorship related court resources pilot
2 program and include the following information aggregated by each
3 type of court:

- 4 (1) The status of the guardianship and conservatorship
5 related court resource pilot program;
- 6 (2) The number of people served by the pilot program;
- 7 (3) The number of people who received resources from the
8 pilot program who otherwise would not have been able
9 to pay for these resources;
- 10 (4) Recommendations as to whether the pilot program should
11 continue as a pilot program, be made permanent, or
12 discontinued; and
- 13 (5) If continuation or permanency of the pilot program is
14 recommended, recommendations for funding for the
15 program.

16 SECTION 3. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$100,000 or so much
18 thereof as may be necessary for fiscal year 2025-2026 and the
19 same sum or so much thereof as may be necessary for fiscal year
20 2026-2027 for the provision of guardianship and conservatorship
21 related court resources in the first circuit probate court as



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1 part of the pilot program established pursuant to section 2 of
2 this Act.

3 The sums appropriated shall be expended by the judiciary
4 for the purposes of this Act.

5 SECTION 4. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$100,000 or so much
7 thereof as may be necessary for fiscal year 2025-2026 and the
8 same sum or so much thereof as may be necessary for fiscal year
9 2026-2027 for the guardianship and conservatorship related court
10 resources in the first circuit family court as part of the pilot
11 program established pursuant to section 2 of this Act.

12 The sums appropriated shall be expended by the judiciary
13 for the purposes of this Act.

14 SECTION 5. This Act shall take effect on July 1, 2025.

15

INTRODUCED BY: _____



S.B. NO. 788

Report Title:

Judiciary; Guardianship; Conservatorship; Pilot Program;
Reports; Appropriations

Description:

Establishes a two-year pilot program in the Probate Court and Family Court of the First Circuit to fund certain guardianship and conservatorship related court resources in situations where the respondent does not have sufficient funds to pay for one or more of the resources and the court has deemed the resource or resources beneficial. Requires the Judiciary to submit reports to the Governor and Legislature. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

