



The Judiciary, State of Hawai‘i
Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Tuesday, April 7, 2026 at 10:15 AM
State Capitol, Conference Room 016

By

Jeannette H. Castagnetti
Chief Judge of the First Circuit
Chair, Committee on the Uniform Probate Code and Probate Court Practices Committee

Bill No. and Title: House Bill 2093, S.D. 1, Relating to the Uniform Probate Code.

Purpose: Provides for the temporary sealing of certain medical records and professional evaluations filed in guardianship and conservatorship proceedings pending a judicial determination on the need for continued sealing.

Judiciary's Position:

The Honorable Jeannette H. Castagnetti, on behalf of the Uniform Probate Code and Probate Court Practices Committee (the “Probate Committee”),¹ submits this testimony in support of House Bill No. 2093 as amended in S.D. 1.

The purpose of House Bill No. 2093, S.D. 1, is to amend the current procedure for sealing sensitive medical and health records filed in guardianship and conservatorship proceedings to protect an individual’s right to privacy pending a hearing to determine an individual’s capacity.

¹ The Probate Committee is chaired by the Honorable Jeannette H. Castagnetti of the First Circuit Court and is comprised of the Honorable Henry T. Nakamoto, the Honorable Peter T. Cahill and attorney members Colin Goo, Rhonda Griswold, Frank Kanemitsu, Joy Miyasaki, Jeffrey Niebling, Rosemarie Sam, Summer Shelverton, Douglas Smith, Carroll Taylor, and Eric Young.



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House Bill No. 2093, S.D. 1, expands the list of individuals who are allowed access to the confidential medical and health records under Sections 560:5-307 and 560:5-407 of the Hawai'i Revised Statutes. For guardianship proceedings, the expansion allows access to the persons named in the petition enumerated under HRS Section 560:5-304(b). For conservatorship proceedings, the expansion allows access to the persons named in the petition enumerated under HRS Section 560:5-403(b) and (c).² The expansion results in the health and medical records also being accessible to, for example, the individual's spouse or reciprocal beneficiary, any adult with whom the individual has resided for more than six (6) months before the filing of the subject petition, and any person responsible for the care or custody of the individual.

As the persons included in the expanded list may have an interest in the individual's support, care, education, health, and welfare, the measure as amended in S.D. 1 does not compromise the purpose of House Bill No. 2093 and is appropriate.

House Bill No. 2093, S.D. 1, continues to allow the court to conduct a case-by-case evaluation in a manner that sufficiently protects the individual's privacy interest in the information pending a court hearing and promotes the efficient administration of guardianship and conservatorship proceedings in the Probate Courts and Family Courts.

The Judiciary respectfully asks this Committee to vote in favor of House Bill No. 2093, S.D. 1.

Thank you for the opportunity to testify on this measure.

² The individuals listed in both HRS Sections 560:5-304(b) and 560:5-403(b) and (c) include: (1) petitioner; (2) respondent; (3) respondent's spouse or reciprocal beneficiary or, if none, an adult with whom the respondent has resided for more than six months before the filing of the petition; (4) respondent's adult children or, if none, respondent's parents and adult siblings or, if none, at least one of the adults nearest in kinship to the respondent; (5) any person responsible for the care or custody of the respondent; (6) any legal representative of the respondent; (7) any person nominated as guardian or conservator by the respondent; (8) and any proposed guardian or conservator. For guardianship proceedings, HRS Section 560:5-304(b) also includes any agent appointed by the respondent under any medical directive, mental health care directive, or health care power of attorney, or, if none, any designated surrogate under HRS Section 327E-5(f).