

ACT 145

H. B. NO. 2054-72

A Bill for an Act Relating to Guardianship and Trust Proceedings, Amending Chapters 551, 552, and 554 of the Hawaii Revised Statutes.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 551 of the Hawaii Revised Statutes is amended as follows:

(a) The words “judge”, or “judge at chambers” or “judge sitting at chambers” are changed to “court”, the word “judges” is changed to “courts”,

and the words “he” or “him” or “his” when used in relation to a judge are changed to “it” or “its”, wherever the same appears in sections 551-11, 551-13, 551-17, 551-29, 551-34, 551-41, 551-43, 551-46, 551-47, 551-48, 551-53, 551-55, 551-56, 551-57, 551-58, 551-59, 551-60, 551-61, 551-62, 551-63, 551-74, 551-76, 551-77, 551-78, 551-79, 551-81, 551-82, 551-83, 551-84, 551-87, 551-89, and 551-91.

(b) The words “any of the judges hereinbefore mentioned”, or “any of the judges hereinbefore specified”, are changed to “any court having jurisdiction” in sections 551-30, and 551-51.

(c) The words “legal suits” are changed to “actions” in section 551-51, and the words “a suit” are changed to “an action” in section 551-90.

(d) The word “any” is changed to “the” in the sixth line of section 551-55, and in the second line of section 551-76.

(e) Section 551-1 is amended to read as follows:

“Sec. 551-1. Jurisdiction. Family courts shall have jurisdiction to appoint guardians for the persons, and circuit courts shall have jurisdiction to appoint guardians for the estates, of minors and others according to law. Either a guardian of the person or the estate or both may be appointed.”

(f) Section 551-2 is amended by deleting from the second line the words “or judge”; by inserting in the third line after the word “minor” the words “or person not in being”; by deleting from the fourth line the words “or before such judge” and the words “suit or”; by deleting from the fifth line the word “their” and inserting in lieu thereof “its”; and by deleting from the sixth line the word “suit” and inserting in lieu thereof the words “action or proceeding”.

(g) Section 551-12 is amended by deleting from the end of the second line the word “and” and inserting in lieu thereof “or”, and by inserting in the third line after the word “estate” and the comma the words “as the case may be.”

(h) Section 551-27 is amended by deleting from the third line the words “of the circuit court judges” and inserting in lieu thereof “court having jurisdiction”; by deleting from the fourth, sixth, tenth, eleventh, and fourteenth lines the word “judge”, wherever the same appears, and inserting in lieu thereof “court”; and by deleting from the fifteenth line the words “or both” and inserting in lieu thereof the words and punctuation “, as the case may be”.

(i) Section 551-28 is amended by deleting from the third line the word “and” and inserting in lieu thereof “or”; by inserting in the third line after the word “estate” and the comma the words and punctuation “as the case may be.”; and by deleting from the fourth and tenth lines the word “judge” and inserting in lieu thereof “court”.

(j) Section 551-31 is amended by deleting from the first and fourth lines the word “judge” and inserting in lieu thereof the word “court”, by deleting from the next to the last lines the word “he” and inserting in lieu thereof the word “it”, and by deleting from the next to the last line the words “person and”.

(k) Section 551-33 is amended by deleting from the second and third lines the words “the care and custody of the person of the ward, and”, and by deleting the comma at the end of the third line.

(l) Section 551-42 is amended by deleting from the third and fourth lines the words and punctuation “and also with respect to the person of the ward, if he comes to reside therein.”.

SECTION 2. Chapter 552 of the Hawaii Revised Statutes is amended by deleting from the fourth line of section 552-2 the word “suit” and inserting in lieu thereof “action”.

SECTION 3. Chapter 554 of the Hawaii Revised Statutes is amended as follows:

(a) Section 554-1 is amended by deleting from the fourth line the words “judge sitting in equity at chambers and” and inserting in lieu thereof the word “court”.

(b) Section 554-2 is amended by deleting from the third line the words “judge of a”; by deleting from the seventh and eighth lines the word “judge” and inserting in lieu thereof “court”; by deleting from the first line of the second paragraph the words “Majority, etc., how determined.”; and by inserting subsection designation (a) preceding the first sentence, and subsection designations (b) and (c) at the beginning of the second and third paragraphs, respectively.

(c) Section 554-3 is amended by deleting from the first and second lines the words “judge sitting at chambers in equity and” and inserting in lieu thereof the word “court”; by deleting from the second and third lines the word “petition” and inserting in lieu thereof the word “application”; by deleting from the fourth line the word “judge” and inserting in lieu thereof the words “court or provided by the rules of court”; and by deleting from the eleventh line the word “judge” and inserting in lieu thereof the word “court”.

(d) Section 554-7 is amended by deleting from the third line the words “court of equity” and inserting in lieu thereof “circuit court”, and by deleting from the next to the last line the words “usual procedure in” and inserting in lieu thereof “usages and principles of courts of”.

SECTION 4. The amendments made by this Act shall not affect or repeal any other act passed at the same session of the legislature, and all such acts shall have full effect. So far as such acts conflict with any provision contained in this Act, they shall have the effect of subsequent acts.

SECTION 5. This Act upon its approval shall take effect on July 1, 1973.

(Approved May 30, 1972.)