

ACT 157

H.B. NO. 1882-78

A Bill for an Act Relating to Persons Eligible for Appointment as Guardian of the Person of Minors and Incapacitated Persons.

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

SECTION 1. Section 560:5-204, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 560:5-204 Court appointment of guardian of the person of minor; conditions for appointment; letters; priority of testamentary nominee. The family court may appoint any competent person whose appointment would be in the best interest of the minor as a guardian of the person for an unmarried minor. The appointment shall be evidenced by letters of guardianship. Such guardian may be nominated by the will of the minor’s parent, and the family court shall give preference to any such nominee. The family court may appoint someone other than the testamentary nominee upon a showing of cause.”

SECTION 2. Section 560:5-206, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 560:5-206 Court appointment of guardian of the person of minor; qualifications; priority of minor’s nominee. Subject to the provisions of section 5-204, the family court may appoint as guardian of the person of a minor any competent person whose appointment would be in the best interests of the minor, provided, however, if the minor is fourteen years of age or older, the minor may nominate any competent person and the minor’s nominee shall have priority unless the family court finds the appointment contrary to the best interest of the minor.”

SECTION 3. Section 560:5-304, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 560:5-304 Finding; order of appointment. The family court may appoint any competent person, whose appointment would be in the best interest of the alleged incapacitated person, as a guardian of the person as requested if it is satisfied that the person for whom a guardian is sought is incapacitated and that the appointment is necessary or desirable as a means of providing continuing care and supervision of the person of the incapacitated person. The order of appointment may limit or otherwise modify the power of the guardian of the person or may specify areas in which the ward shall retain the power to make and carry out decisions concerning his person. Alternatively, the family court may dismiss the proceeding or enter any other appropriate order.”

SECTION 4. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 5. This Act shall become effective upon its approval.

(Approved June 1, 1978.)

*Edited accordingly.