

A Bill for an Act Relating to Notices in Guardianship Proceedings.

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

SECTION 1. Section 560:5-309, Hawaii Revised Statutes, is amended to read as follows:

“§560:5-309 Notices in guardianship proceedings. (a) In a proceeding for the appointment or removal of a guardian of the person of an incapacitated person other than the appointment of a temporary guardian or temporary suspension of a guardian, notice of the time and place of hearing shall be given by the petitioner to each of the following:

- (1) The ward or the person concerning whom the proceeding has been commenced and the ward or person’s spouse, legal parents and adult children;
- (2) Any person who is serving as the guardian of the ward or person’s estate or who has care and custody of the ward or person; and
- (3) In case no other person is notified under (1), at least one of the ward or person’s closest adult relatives, if any can be found.

(b) Notice shall be served personally on the alleged incapacitated person the person’s spouse, the person’s legal parents, and the person’s adult children, if they can be found within the State. Notice to such of those who cannot be found within the State and to all other persons except the alleged incapacitated person shall be given as provided in section 560:1-401. Waiver of notice by the person alleged to be incapacitated is not effective unless the person attends the hearing or the person’s waiver of notice is confirmed in an interview with the individual sent by the family

court to interview the person. Except as provided in section 560:5-303, representation of the alleged incapacitated person by a guardian ad litem is not necessary.

(c) Grandparents shall be notified in all proceedings involving minors.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 19, 1981.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.