

ACT 44

H.B. NO. 2850

A Bill for an Act Relating to Small Estates.

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

SECTION 1. The purpose of this Act is to increase the amount of the estate value in cases where the clerk of the circuit court may act as guardian of the property where a guardian has been requested pursuant to section 560:5-404, Hawaii Revised Statutes, from less than \$8,000 to less than \$10,000.

SECTION 2. Section 551-21, Hawaii Revised Statutes, is amended to read as follows:

**“§551-21 Small estates; clerk of the court to act when.** Whenever so requested as provided in section 560:5-404, the court may appoint the clerk of the court of that circuit as guardian of the property of the protected person whose estate is of a value of less than [\$8,000] \$10,000 who shall serve in such capacity, with the full powers of and under like obligations as other guardians appointed under this chapter and chapter 560, except that the clerk shall not be required to give any bond; nor shall the clerk be entitled to any commission or compensation except for expenses necessarily and actually incurred, nor shall the clerk or the protected person or the estate of the protected person be liable for any court costs arising out of the guardianship, except the actual cost of any advertising found necessary. The right of the clerk to act as the guardian of the property shall not be affected by reason of any increase of the estate to an amount in excess of [\$8,000] \$10,000 as the result of any accumulations of income accruing from the original principal of the estate or by the increase in value of the principal; provided that if the estate reaches in value the sum of [\$13,000] \$16,250, a guardian of the property shall then be appointed under the preceding sections of this chapter or the court may, in its discretion, allow the guardian appointed under this section to continue to act even though the total assets exceed [\$13,000.] \$16,250.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

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SECTION 4. This Act shall take effect upon its approval.

(Approved April 29, 1998.)