

ACT 141

S.B. NO. 223

A Bill for an Act Relating to the Office of the Public Guardian.

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

SECTION 1. Section 551A-2, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) The public guardian shall serve as guardian, limited guardian, testamentary guardian, emergency guardian, or temporary substitute guardian of an incapacitated person when so appointed by the family court or by the circuit court under chapter 560. [The] Notwithstanding section 560:5-304, the public guardian may not file a petition for the public guardian’s own appointment. Petitions for public guardianship may [also] be filed by any person, agency, or facility responsible for the support or care of individuals who:

- (1) Are not able to understand or adequately participate in decisions concerning their care; and
- (2) Have no relatives or friends willing and able to act as a guardian.

(b) The public guardian shall have the same powers and duties as a private guardian. In addition, if there is no conservatorship in effect for a ward, the court may authorize the public guardian to:

(1) Request and obtain copies of any and all of the ward's financial information, records, and documents, including but not limited to account statements, deposit and withdrawal records, and canceled or returned checks, from any and all savings accounts, checking accounts, safe deposit box accounts, retirement or pension accounts, investment accounts, insurance accounts, annuity accounts, credit card accounts, and all other accounts held in the name of the ward;
and

(2) Transact business or take necessary action as to the accounts in paragraph (1);

provided that if a conservatorship comes into effect for the ward, the public guardian shall not have and shall not exercise the powers in paragraphs (1) and (2) that have been granted to the conservator, for the duration of the conservatorship."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved June 25, 2015.)