

ACT 208

H.B. NO. 648

A Bill for an Act Relating to Guardianship and Conservatorship Services.

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

SECTION 1. The legislature finds that since 2023, a working group has been formed to identify and address issues in the State's guardianship and conservatorship statutory procedures. This working group is named the "uniform guardianship, conservatorship, and other protective arrangements act working group", and it has met regularly in 2024 under the facilitation of the staff of the Hawaii state council on developmental disabilities. An important issue identified by the working group is the accessibility of certain resources that the court may order for individuals, also statutorily referred to as respondents, for whom a guardianship or conservatorship is being sought. The specific services are "kokua kanawai", who are individuals appointed by the court to review the personal circumstances of the respondent and provide the court with an independent assessment of the situation; guardians ad litem, who are individuals appointed by the court to represent the best interests of the respondent; and "professional evaluations", including but not limited to a psychological evaluation, neurocognitive evaluation, or functional evaluation, by a physician, psychologist, or other individual appointed by the court who is qualified to evaluate the respondent's alleged impairment.

While the court has the statutory authority to order these resources, it does not always order them. The information provided by these resources supplies the court with essential information to support a court's informed decisions regarding

the capacity and circumstances of respondents. Overall, they make the procedures surrounding guardianship and conservatorship more equitable. When respondents do not receive these resources, it is usually because they do not have the personal finances to afford them.

Accordingly, the purpose of this Act is to establish a two-year guardianship- and conservatorship-related court resources pilot program in the circuit court of the first circuit that will ensure these resources are available to all respondents.

SECTION 2. (a) There shall be established within the judiciary a two-year pilot program in the probate court and family court of the first circuit to fund the following guardianship- and conservatorship-related court resources in situations where the respondent does not have sufficient funds to pay for one or more of the resources and the court has deemed the resource or resources beneficial:

- (1) An investigation and report by a kokua kanawai appointed with the powers and duties pursuant to section 560:5-305(c) and (d), Hawaii Revised Statutes, for guardianships and powers and duties pursuant to section 560:5-406(c) and (d), Hawaii Revised Statutes, for conservatorships;
- (2) A guardian ad litem appointed pursuant to section 560:5-115, Hawaii Revised Statutes; and
- (3) A professional evaluation of the respondent's alleged impairment pursuant to section 560:5-306, Hawaii Revised Statutes, for guardianships or section 560:5-406(f), Hawaii Revised Statutes, for conservatorships, that includes information as noted in rule 102, Hawaii probate rules; provided that the professional evaluation may include but not be limited to a psychological evaluation, neurocognitive evaluation, or functional evaluation.

(b) The judiciary shall submit a report of its findings and recommendations, including any proposed legislation, to the governor and legislature no later than forty days prior to the convening of the regular sessions of 2026 and 2027 on the guardianship- and conservatorship-related court resources pilot program and include the following information aggregated by each type of court:

- (1) The status of the guardianship- and conservatorship-related court resources pilot program;
- (2) The number of people served by the pilot program;
- (3) The number of people who received resources from the pilot program who otherwise would not have been able to pay for these resources;
- (4) Recommendations as to whether the pilot program should continue as a pilot program, be made permanent, or be discontinued; and
- (5) If continuation or permanency of the pilot program is recommended, recommendations for funding for the program.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the provision of guardianship- and conservatorship-related court resources in the first circuit probate court as part of the pilot program established pursuant to section 2 of this Act.

The sums appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000 or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 for the provision of guardianship- and conservatorship-related court resources in the first circuit family court as part of the pilot program established pursuant to section 2 of this Act.

The sums appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 5. This Act shall take effect on July 1, 2025.

(Approved June 25, 2025.)