

JAN 19 2007

A BILL FOR AN ACT

RELATING TO GUARDIANSHIP.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 560:5-105, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§560:5-105 Delegation of power by parent or guardian[+];**
4 **education, abuse or neglect of minor.** (a) A parent or guardian
5 of a minor or incapacitated person, by a power of attorney, may
6 delegate to another person for a period not exceeding one year,
7 which time limit shall be expressly stated in the document, any
8 power regarding the care, custody, or property of the minor or
9 ward, except the power to consent to marriage or adoption.

10 (b) The holder of a power of attorney shall inform the
11 child protective services of the department of human services if
12 the power of attorney was granted by reason of abuse or neglect
13 perpetrated by the minor's parent or guardian.

14 (c) The parent or guardian shall have the duty to enroll
15 the minor in the appropriate school. A power of attorney shall
16 not be used as the basis to establish a minor's residency for
17 purposes of:



- 1 (1) Attending a particular school;
- 2 (2) Circumventing the department of education's district
- 3 or geographic exception process;
- 4 (3) Participating in athletics at a particular school; or
- 5 (4) Receiving special services or programs offered at a
- 6 particular school, except through procedures
- 7 established by the department of education.

8 The department of education may conduct site visits to a minor's
9 physical place of residence to ascertain if that residence is
10 the minor's legal place of residence for purposes of this
11 subsection, or if the delegation of power violates this
12 subsection; provided that the department shall adopt rules
13 pursuant to chapter 91 to establish guidelines for the conduct
14 of visits. If the delegation of a power of attorney is in
15 violation of paragraph (1) or (2), the department of education
16 may withdraw the minor from school without notice and consent of
17 the parent or guardian of the minor and without order of a
18 court; provided that the minor shall be subsequently placed in
19 the appropriate school. If the delegation of power is in
20 violation of paragraph (3) or (4), the department of education
21 may withdraw the minor from the athletic program or special
22 services or program."



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 Statutory material to be repealed is bracketed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

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

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INTRODUCED BY: Norman Sakonjo



Report Title:

Power of Attorney; Minors

Description:

Clarifies use of power of attorney for education of a minor.

