

Honolulu, Hawaii

Feb 7, 2008

RE: H.B. No. 2699

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 2699 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM PROBATE CODE,"

begs leave to report as follows:

The purpose of this bill is to improve the Uniform Probate Code (Probate Code) by:

- (1) Eliminating a statutory inconsistency regarding the payment of payable-on-death accounts, by clarifying that funds in these accounts may be distributed to the personal representative or heirs of the original account owner;
- (2) Limiting the parties who must be served copies of revised inventories of probate assets to those who actually request the new inventory information or a copy of the original inventory;
- (3) Allowing courts in guardianship and conservatorship proceedings to waive the requirement that the kokua kanawai (appointed as an extension of the court to conduct independent reviews) interview the respondent in a guardianship or conservatorship proceeding;
- (4) Giving access to kokua kanawai reports and professional evaluations to nominated guardians, nominated conservators, and their lawyers, to enable these persons



to make decisions in guardianship and conservatorship proceedings that are in the best interest of respondents; and


- (5) Allowing courts in guardianship and conservatorship proceedings to waive or modify the requirement that the appointed guardian or conservator serve the ward or protected person a copy of the order appointing the guardian or conservator.

The Standing Committee on the Uniform Probate Code and Probate Court Practices of the Judiciary of the State of Hawaii (Probate Committee) testified in support of this bill.

The Probate Committee was organized pursuant to a resolution adopted by the sixth annual Hawaii State Judicial Conference and consists of circuit court judges and attorneys practicing estate planning and probate law, all of whom have been appointed by the Chief Justice of the Hawaii Supreme Court. This bill includes changes to the Probate Code recommended by the Probate Committee.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2699 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROBERT N. HERKES, Chair



