



LATE

THE JUDICIARY, STATE OF HAWAII

Testimony to the Twenty-Fourth Legislature, 2008 Session

House Committee on Finance

The Honorable Marcus R. Oshiro, Chair

The Honorable Marilyn B. Lee, Vice Chair

Monday, March 31, 2008 3:30 p.m.

State Capitol, Conference Room 308

by

The Honorable Frances Q.F. Wong

Senior Judge/Deputy Chief Judge

Family Court, First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2879, S. D. 2, Relating to Education.

Purpose: Establishes a power of attorney for special education; process to appoint a surrogate decision maker for an adult student that lacks capacity; and clarifies the authority of a guardian of an adult student.

Judiciary's Position:

The Judiciary takes no position on this measure, but offers the following comments so that persons truly needing to file a guardianship petition are not misinformed.

In the Family Court of the First Circuit, a large percentage of petitioners who initiate guardianship actions are self-represented and are thus able to avoid the cost of an attorney. The Court offers a "do-it-yourself" packet which is used by many parties. The Family Court service center and court staff offer procedural assistance. Also, the Legal Aid society of Hawai'i offers part-time on-site assistance. These forms are available on the Judiciary's website at www.courts.state.hi.us (Forms / O'ahu / Family Court / guardianship). Due to increasing volume and increasingly complex cases, it currently takes several months for a hearing to take place. Hopefully, the two Judges authorized by the 2007 Legislature will ease this strain once the



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positions have been funded. Thus, it is not accurate to generally describe all guardianships as “expensive, labor intensive, and involve a time consuming process...” (Page 2, Lines 12-15).

Thank you for the opportunity to submit testimony on this matter.