
A BILL FOR AN ACT

RELATING TO THE UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE
PROCEEDINGS JURISDICTION ACT.

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

1 SECTION 1. Chapter 560, Hawaii Revised Statutes, is
2 amended by adding a new article, to be designated as "VA" and to
3 read as follows:

4 "ARTICLE VA.

5 UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE

6 PROCEEDINGS JURISDICTION

7 PART 1. GENERAL PROVISIONS

8 §560:5A-101 Short title. This article may be cited as the
9 Uniform Adult Guardianship and Protective Proceedings
10 Jurisdiction Act.

11 §560:5A-102 Definitions. In this article:

12 "Adult" means an individual who has attained eighteen years
13 of age.

14 "Conservator" means a person appointed by the court to
15 administer the property of an adult, including a person
16 appointed under article V.



1 "Guardian" means a person appointed by the court to make
2 decisions regarding the person of an adult, including a person
3 appointed under article V.

4 "Guardianship order" means an order appointing a guardian.

5 "Guardianship proceeding" means a judicial proceeding in
6 which an order for the appointment of a guardian is sought or
7 has been issued.

8 "Incapacitated person" means an adult for whom a guardian
9 has been appointed.

10 "Party" means the respondent, petitioner, guardian,
11 conservator, or any other person allowed by the court to
12 participate in a guardianship or protective proceeding.

13 "Person," except in the term incapacitated person or
14 protected person, means an individual, corporation, business
15 trust, estate, trust, partnership, limited liability company,
16 association, joint venture, public corporation, government or
17 governmental subdivision, agency, or instrumentality, or any
18 other legal or commercial entity.

19 "Protected person" means an adult for whom a protective
20 order has been issued.

21 "Protective order" means an order appointing a conservator
22 or other order related to management of an adult's property.



1 "Protective proceeding" means a judicial proceeding in
2 which a protective order is sought or has been issued.

3 "Record" means information that is inscribed on a tangible
4 medium or that is stored in an electronic or other medium and is
5 retrievable in perceivable form.

6 "Respondent" means an adult for whom a protective order or
7 the appointment of a guardian is sought.

8 "State" means a state of the United States, the District of
9 Columbia, Puerto Rico, the United States Virgin Islands, a
10 federally recognized Indian tribe, or any territory or insular
11 possession subject to the jurisdiction of the United States.

12 §560:5A-103 International application of article. A court
13 of this State may treat a foreign country as if it were a state
14 for the purpose of applying this article and parts 2, 3, and 5.

15 §560:5A-104 Communication between courts. (a) A court of
16 this State may communicate with a court in another state
17 concerning a proceeding arising under this article. The court
18 may allow the parties to participate in the communication.
19 Except as otherwise provided in subsection (b), the court shall
20 make a record of the communication. The record may be limited
21 to the fact that the communication occurred.



1 (b) Courts may communicate concerning schedules,
2 calendars, court records, and other administrative matters
3 without making a record.

4 §560:5A-105 Cooperation between courts. (a) In a
5 guardianship or protective proceeding in this State, a court of
6 this State may request the appropriate court of another state to
7 do any of the following:

- 8 (1) Hold an evidentiary hearing;
- 9 (2) Order a person in that state to produce evidence or
10 give testimony pursuant to procedures of that state;
- 11 (3) Order that an evaluation or assessment be made of the
12 respondent;
- 13 (4) Order any appropriate investigation of a person
14 involved in a proceeding;
- 15 (5) Forward to the court of this State a certified copy of
16 the transcript or other record of a hearing under
17 paragraph (1) or any other proceeding, any evidence
18 otherwise produced under paragraph (2), and any
19 evaluation or assessment prepared in compliance with
20 an order under paragraph (3) or (4);
- 21 (6) Issue any order necessary to assure the appearance in
22 the proceeding of a person whose presence is necessary



1 for the court to make a determination, including the
2 respondent or the incapacitated or protected person;

3 (7) Issue an order authorizing the release of medical,
4 financial, criminal, or other relevant information in
5 that state, including protected health information as
6 defined in 45 C.F.R. section 164.504 on July 1, 2011.

7 (b) If a court of another state in which a guardianship or
8 protective proceeding is pending requests assistance of the kind
9 provided in subsection (a), a court of this State has
10 jurisdiction for the limited purpose of granting the request or
11 making reasonable efforts to comply with the request.

12 §560:5A-106 Taking testimony in another state. (a) In a
13 guardianship or protective proceeding, in addition to other
14 procedures that may be available, testimony of a witness who is
15 located in another state may be offered by deposition or other
16 means allowable in this State for testimony taken in another
17 state. The court on its own motion may order that the testimony
18 of a witness be taken in another state and may prescribe the
19 manner in which and the terms upon which the testimony is to be
20 taken.

21 (b) In a guardianship or protective proceeding, a court in
22 this State may permit a witness located in another state to be



1 deposed or to testify by telephone or audiovisual or other
2 electronic means. A court of this State shall cooperate with
3 the court of the other state in designating an appropriate
4 location for the deposition or testimony.

5 **PART 2. JURISDICTION**

6 §560:5A-201 **Definitions; significant connection factors.**

7 (a) In this part:

8 "Emergency" means a circumstance that likely will result in
9 substantial harm to a respondent's health, safety, or welfare,
10 and for which the appointment of a guardian is necessary because
11 no other person has authority and is willing to act on the
12 respondent's behalf.

13 "Home state" means the state in which the respondent was
14 physically present, including any period of temporary absence,
15 for at least six consecutive months immediately before the
16 filing of a petition for a protective order or the appointment
17 of a guardian; or if none, the state in which the respondent was
18 physically present, including any period of temporary absence,
19 for at least six consecutive months ending within the six months
20 prior to the filing of the petition.

21 "Significant-connection state" means a state, other than
22 the home state, with which a respondent has a significant



1 connection other than mere physical presence and in which
2 substantial evidence concerning the respondent is available.

3 (b) In determining under sections 560:5A-203 and
4 560:5A-301(e) whether a respondent has a significant connection
5 with a particular state, the court shall consider:

6 (1) The location of the respondent's family and other
7 persons required to be notified of the guardianship or
8 protective proceeding;

9 (2) The length of time the respondent at any time was
10 physically present in the state and the duration of
11 any absence;

12 (3) The location of the respondent's property; and

13 (4) The extent to which the respondent has ties to the
14 state such as voting registration, state or local tax
15 return filing, vehicle registration, driver's license,
16 social relationship, and receipt of services.

17 §560:5A-202 **Exclusive basis.** This part provides the
18 exclusive jurisdictional basis for a court of this State to
19 appoint a guardian or issue a protective order for an adult.

20 §560:5A-203 **Jurisdiction.** A court of this State has
21 jurisdiction to appoint a guardian or issue a protective order
22 for a respondent if:



- 1 (1) This State is the respondent's home state;
- 2 (2) On the date the petition is filed, this State is a
- 3 significant-connection state and:
- 4 (A) The respondent does not have a home state or a
- 5 court of the respondent's home state has declined
- 6 to exercise jurisdiction because this State is a
- 7 more appropriate forum; or
- 8 (B) The respondent has a home state, a petition for
- 9 an appointment or order is not pending in a court
- 10 of that state or another significant-connection
- 11 state, and, before the court makes the
- 12 appointment or issues the order:
- 13 (i) A petition for an appointment or order is
- 14 not filed in the respondent's home state;
- 15 (ii) An objection to the court's jurisdiction is
- 16 not filed by a person required to be
- 17 notified of the proceeding; and;
- 18 (iii) The court in this State concludes that it is
- 19 an appropriate forum under the factors set
- 20 forth in section 560:5A-206;
- 21 (3) This State does not have jurisdiction under either
- 22 paragraph (1) or (2), the respondent's home state and



1 all significant-connection states have declined to
2 exercise jurisdiction because this State is the more
3 appropriate forum, and jurisdiction in this State is
4 consistent with the constitutions of this State and
5 the United States; or

6 (4) The requirements for special jurisdiction under
7 section 560:5A-204 are met.

8 §560:5A-204 Special jurisdiction. (a) A court of this
9 State lacking jurisdiction under section 560:5A-203(1) through

10 (3) has special jurisdiction to do any of the following:

11 (1) Appoint a guardian in an emergency for a term not
12 exceeding ninety days for a respondent who is
13 physically present in this State;

14 (2) Issue a protective order with respect to real or
15 tangible personal property located in this State; or

16 (3) Appoint a guardian or conservator for an incapacitated
17 or protected person for whom a provisional order to
18 transfer the proceeding from another state has been
19 issued under procedures similar to section 560:5A-301.

20 (b) If a petition for the appointment of a guardian in an
21 emergency is brought in this State and this State was not the
22 respondent's home state on the date the petition was filed, the



1 court shall dismiss the proceeding at the request of the court
2 of the home state, if any, whether dismissal is requested before
3 or after the emergency appointment.

4 §560:5A-205 Exclusive and continuing jurisdiction. Except
5 as otherwise provided in section 560:5A-204, a court that has
6 appointed a guardian or issued a protective order consistent
7 with this chapter has exclusive and continuing jurisdiction over
8 the proceeding until it is terminated by the court or the
9 appointment or order expires by its own terms.

10 §560:5A-206 Appropriate forum. (a) A court of this State
11 having jurisdiction under section 560:5A-203 to appoint a
12 guardian or issue a protective order may decline to exercise its
13 jurisdiction if it determines at any time that a court of
14 another state is a more appropriate forum.

15 (b) If a court of this State declines to exercise its
16 jurisdiction under subsection (a), it shall either dismiss or
17 stay the proceeding. The court may impose any condition the
18 court considers just and proper, including the condition that a
19 petition for the appointment of a guardian or issuance of a
20 protective order be filed promptly in another state.

21 (c) In determining whether it is an appropriate forum, the
22 court shall consider all relevant factors, including:



- 1 (1) Any expressed preference of the respondent;
- 2 (2) Whether abuse, neglect, or exploitation of the
- 3 respondent has occurred or is likely to occur and
- 4 which state could best protect the respondent from the,
- 5 abuse, neglect, or exploitation;
- 6 (3) The length of time the respondent was physically
- 7 present in or was a legal resident of this or another
- 8 state;
- 9 (4) The distance of the respondent from the court in each
- 10 state;
- 11 (5) The financial circumstances of the respondent's
- 12 estate;
- 13 (6) The nature and location of the evidence;
- 14 (7) The ability of the court in each state to decide the
- 15 issue expeditiously and the procedures necessary to
- 16 present evidence;
- 17 (8) The familiarity of the court of each state with the
- 18 facts and issues in the proceeding; and
- 19 (9) If an appointment were made, the court's ability to
- 20 monitor the conduct of the guardian or conservator.

21 §560:5A-207 Jurisdiction declined by reason of conduct.

22 (a) If at any time a court of this State determines that it



1 acquired jurisdiction to appoint a guardian or issue a
2 protective order because of unjustifiable conduct, the court
3 may:

- 4 (1) Decline to exercise jurisdiction;
- 5 (2) Exercise jurisdiction for the limited purpose of
6 fashioning an appropriate remedy to ensure the health,
7 safety, and welfare of the respondent or the
8 protection of the respondent's property or prevent a
9 repetition of the unjustifiable conduct, including
10 staying the proceeding until a petition for the
11 appointment of a guardian or issuance of a protective
12 order is filed in a court of another state having
13 jurisdiction; or
- 14 (3) Continue to exercise jurisdiction after considering:
 - 15 (A) The extent to which the respondent and all
16 persons required to be notified of the
17 proceedings have acquiesced in the exercise of
18 the court's jurisdiction;
 - 19 (B) Whether it is a more appropriate forum than the
20 court of any other state under the factors set
21 forth in section 560:5A-206(c); and



1 (C) Whether the court of any other state would have
2 jurisdiction under factual circumstances in
3 substantial conformity with the jurisdictional
4 standards of section 560:5A-203.

5 (b) If a court of this State determines that it acquired
6 jurisdiction to appoint a guardian or issue a protective order
7 because a party seeking to invoke its jurisdiction engaged in
8 unjustifiable conduct, it may assess against that party
9 necessary and reasonable expenses, including attorney's fees,
10 investigative fees, court costs, communication expenses, witness
11 fees and expenses, and travel expenses. The court may not
12 assess fees, costs, or expenses of any kind against this State
13 or a governmental subdivision, agency, or instrumentality of
14 this State unless authorized by law other than this chapter.

15 §560:5A-208 Notice of proceeding. If a petition for the
16 appointment of a guardian or issuance of a protective order is
17 brought in this State and this State was not the respondent's
18 home state on the date the petition was filed, in addition to
19 complying with the notice requirements of this State, notice of
20 the petition must be given to those persons who would be
21 entitled to notice of the petition if a proceeding were brought



1 in the respondent's home state. The notice must be given in the
2 same manner as notice is required to be given in this State.

3 §560:5A-209 Proceedings in more than one state. Except
4 for a petition for the appointment of a guardian in an emergency
5 or issuance of a protective order limited to property located in
6 this State under section 560:5A-204(a)(1) or (2), if a petition
7 for the appointment of a guardian or issuance of a protective
8 order is filed in this State and in another state and neither
9 petition has been dismissed or withdrawn, the following rules
10 apply:

11 (1) If the court in this State has jurisdiction under
12 section 560:5A-203, it may proceed with the case
13 unless a court in another state acquires jurisdiction
14 under provisions similar to section 560:5A-203 before
15 the appointment or issuance of the order.

16 (2) If the court in this State does not have jurisdiction
17 under section 560:5A-203, whether at the time the
18 petition is filed or at any time before the
19 appointment or issuance of the order, the court shall
20 stay the proceeding and communicate with the court in
21 the other state. If the court in the other state has
22 jurisdiction, the court in this State shall dismiss



1 the petition unless the court in the other state
2 determines that the court in this State is a more
3 appropriate forum.

4 PART 3. TRANSFER OF
5 GUARDIANSHIP OR CONSERVATORSHIP

6 §560:5A-301 Transfer of guardianship or conservatorship to
7 another state. (a) A guardian or conservator appointed in this
8 State may petition the court to transfer the guardianship or
9 conservatorship to another state.

10 (b) Notice of a petition under subsection (a) must be
11 given to the persons that would be entitled to notice of a
12 petition in this State for the appointment of a guardian or
13 conservator.

14 (c) On the court's own motion or on request of the
15 guardian or conservator, the incapacitated or protected person,
16 or other person required to be notified of the petition, the
17 court shall hold a hearing on a petition filed pursuant to
18 subsection (a).

19 (d) The court shall issue an order provisionally granting
20 a petition to transfer a guardianship and shall direct the
21 guardian to petition for guardianship in the other state if the



1 court is satisfied that the guardianship will be accepted by the
2 court in the other state and the court finds that:

3 (1) The incapacitated person is physically present in or
4 is reasonably expected to move permanently to the
5 other state;

6 (2) An objection to the transfer has not been made or, if
7 an objection has been made, the objector has not
8 established that the transfer would be contrary to the
9 interests of the incapacitated person; and

10 (3) Plans for care and services for the incapacitated
11 person in the other state are reasonable and
12 sufficient.

13 (e) The court shall issue a provisional order granting a
14 petition to transfer a conservatorship and shall direct the
15 conservator to petition for conservatorship in the other state
16 if the court is satisfied that the conservatorship will be
17 accepted by the court of the other state and the court finds
18 that:

19 (1) The protected person is physically present in or is
20 reasonably expected to move permanently to the other
21 state, or the protected person has a significant

1 connection to the other state considering the factors
2 in section 560:5A-201(b);

3 (2) An objection to the transfer has not been made or, if
4 an objection has been made, the objector has not
5 established that the transfer would be contrary to the
6 interests of the protected person; and

7 (3) Adequate arrangements will be made for management of
8 the protected person's property.

9 (f) The court shall issue a final order confirming the
10 transfer and terminating the guardianship or conservatorship
11 upon its receipt of:

12 (1) A provisional order accepting the proceeding from the
13 court to which the proceeding is to be transferred
14 which is issued under provisions similar to
15 section 560:5A-302; and

16 (2) The documents required to terminate a guardianship or
17 conservatorship in this State.

18 §560:5A-302 Accepting guardianship or conservatorship
19 transferred from another state. (a) To confirm transfer of a
20 guardianship or conservatorship transferred to this State under
21 provisions similar to section 560:5A-301, the guardian or
22 conservator must petition the court in this State to accept the



1 guardianship or conservatorship. The petition must include a
2 certified copy of the other state's provisional order of
3 transfer.

4 (b) Notice of a petition under subsection (a) must be
5 given to those persons that would be entitled to notice if the
6 petition were a petition for the appointment of a guardian or
7 issuance of a protective order in both the transferring state
8 and this State. The notice must be given in the same manner as
9 notice is required to be given in this State.

10 (c) On the court's own motion or on request of the
11 guardian or conservator, the incapacitated or protected person,
12 or other person required to be notified of the proceeding, the
13 court shall hold a hearing on a petition filed pursuant to
14 subsection (a).

15 (d) The court shall issue an order provisionally granting
16 a petition filed under subsection (a) unless:

- 17 (1) An objection is made and the objector establishes that
18 transfer of the proceeding would be contrary to the
19 interests of the incapacitated or protected person; or
20 (2) The guardian or conservator is ineligible for
21 appointment in this State.



1 (e) The court shall issue a final order accepting the
2 proceeding and appointing the guardian or conservator as
3 guardian or conservator in this State upon its receipt from the
4 court from which the proceeding is being transferred of a final
5 order issued under provisions similar to section 560:5A-301
6 transferring the proceeding to this State.

7 (f) Not later than ninety days after issuance of a final
8 order accepting transfer of a guardianship or conservatorship,
9 the court shall determine whether the guardianship or
10 conservatorship needs to be modified to conform to the law of
11 this State.

12 (g) In granting a petition under this section, the court
13 shall recognize a guardianship or conservatorship order from the
14 other state, including the determination of the incapacitated or
15 protected person's incapacity and the appointment of the
16 guardian or conservator.

17 (h) The denial by a court of this State of a petition to
18 accept a guardianship or conservatorship transferred from
19 another state does not affect the ability of the guardian or
20 conservator to seek appointment as guardian or conservator in
21 this State under article V if the court has jurisdiction to make



1 an appointment other than by reason of the provisional order of
2 transfer.

3 . PART 4. MISCELLANEOUS PROVISIONS

4 §560:5A-401 Relating to Electronic Signatures in Global
5 and National Commerce Act. This chapter modifies, limits, and
6 supersedes the federal Electronic Signatures in Global and
7 National Commerce Act, 15 U.S.C. section 7001, et seq., but does
8 not modify, limit, or supersede section 101(c) of that act, 15
9 U.S.C. section 7001(c), or authorize electronic delivery of any
10 of the notices described in section 103(b) of that act, 15
11 U.S.C. section 7003(b).

12 §560:5A-402 Transitional provision. (a) This chapter
13 applies to guardianship and protective proceedings begun on or
14 after July 1, 2011.

15 (b) Parts 1 and 3 and sections 560:5-A, 560:5-432, 560:5-
16 433, and 560:5A-401 apply to proceedings begun before July 1,
17 2011, regardless of whether a guardianship or protective order
18 has been issued."

19 SECTION 2. Chapter 560, Hawaii Revised Statutes, is
20 amended by adding to part 4 of article V a new section to be
21 appropriately designated and to read as follows:



1 "§560:5-A Effect of registration. (a) Upon registration
2 of a guardianship or protective order from another state, the
3 guardian or conservator may exercise in this State all powers
4 authorized in the order of appointment except as prohibited
5 under the laws of this State, including maintaining actions and
6 proceedings in this State and, if the guardian or conservator is
7 not a resident of this State, subject to any conditions imposed
8 upon nonresident parties.

9 (b) A court of this State may grant any relief available
10 under article VA and other law of this State to enforce a
11 registered order."

12 SECTION 3. Section 560:5-106, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§560:5-106 Subject matter jurisdiction. This article
15 applies to, [~~and the court has jurisdiction over,~~] guardianship
16 and [~~related proceedings for individuals domiciled or present in~~
17 this State,] protective proceedings for individuals [~~domiciled~~
18 in or having property located in this State,] over whom the
19 court has jurisdiction, and property coming into the control of
20 a guardian or conservator who is subject to the laws of this
21 State.



- 1 (1) Circuit court jurisdiction. The circuit court shall
2 have concurrent jurisdiction over guardianships and
3 related proceedings concerning incapacitated adults.
4 The circuit court shall not have jurisdiction over
5 guardianships and related proceedings concerning
6 minors. The circuit court shall have exclusive
7 jurisdiction over conservatorship proceedings and
8 those proceedings under part 4 of this article, for
9 both adults and minors;
- 10 (2) Family court jurisdiction. The family court shall
11 have exclusive jurisdiction over guardianships and
12 related proceedings concerning minors and concurrent
13 jurisdiction over guardianship and related proceedings
14 concerning incapacitated adults. The family court
15 shall have exclusive jurisdiction over guardianship
16 proceedings concerning minors, regardless of whether
17 the proceeding is based upon the minor's age or the
18 minor's status as an incapacitated person; and
- 19 (3) Consolidation of proceedings regarding same person.
20 Where protective and guardianship proceedings relating
21 to the same person have been initiated, they may be



1 consolidated in the court as the court in the exercise
2 of its discretion shall determine."

3 SECTION 4. Section 560:5-107, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§560:5-107 Transfer of jurisdiction. [~~a~~] Except for a
6 guardianship or protective proceeding for an adult individual
7 that is subject to the transfer provisions of part 3 of article
8 VA:

9 (1) After the appointment of a guardian or conservator or
10 entry of any other protective order, the court making
11 the appointment or entering the order may transfer the
12 proceeding to a court in another circuit in this State
13 or to another state if the court is satisfied that a
14 transfer will serve the best interest of the ward or
15 protected person.

16 [~~b~~] (2) If a guardianship or protective proceeding is
17 pending in another state or a foreign country and a
18 petition for guardianship or protective proceeding is
19 filed in a court in this State, the court in this
20 State shall notify the original court and, after
21 consultation with the original court, assume or



1 decline jurisdiction, whichever is in the best
2 interest of the ward or protected person.

3 [~~e~~] (3) A guardian, conservator, or like fiduciary
4 appointed in another state may petition the court for
5 appointment as a guardian or conservator in this State
6 if venue in this State is or will be established. The
7 appointment may be made upon proof of appointment in
8 the other state and presentation of a certified copy
9 of the portion of the court record in the other state
10 specified by the court in this State. Notice of
11 hearing on the petition, together with a copy of the
12 petition, shall be given to the ward or protected
13 person, if the ward or protected person has attained
14 fourteen years of age, and to the persons who would be
15 entitled to notice if the regular procedures for
16 appointment of a guardian or conservator under this
17 article were applicable. The court shall make the
18 appointment in this State unless it concludes that the
19 appointment would not be in the best interest of the
20 ward or protected person. Upon the filing of an
21 acceptance of office and any required bond, the court
22 shall issue appropriate letters of guardianship or



1 conservatorship. Within fourteen days after an
2 appointment, the guardian or conservator shall send or
3 deliver a copy of the order of appointment to the ward
4 or protected person, if the ward or protected person
5 has attained fourteen years of age, and to all persons
6 given notice of the hearing on the petition."

7 SECTION 5. Section 560:5-432, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~§560:5-432 [Payment of debt and delivery of property to~~
10 ~~foreign conservator without local proceeding. (a) A person who~~
11 ~~is indebted to, or has the possession of tangible or intangible~~
12 ~~property of a protected person, may pay the debt or deliver the~~
13 ~~property to a foreign conservator, guardian of the estate, or~~
14 ~~other court appointed fiduciary of the state of residence of the~~
15 ~~protected person. Payment or delivery shall be made only upon~~
16 ~~proof of appointment and presentation of an affidavit made by or~~
17 ~~on behalf of the fiduciary stating that a protective proceeding~~
18 ~~relating to the protected person is not pending in this State~~
19 ~~and the foreign fiduciary is entitled to payment or to receive~~
20 ~~delivery.~~

21 ~~(b) Payment or delivery in accordance with subsection (a)~~
22 ~~discharges the debtor or possessor, absent knowledge of any~~



1 ~~protective proceeding pending in this State.]~~ Registration of
 2 guardianship orders. If a guardian has been appointed in
 3 another state and a petition for the appointment of a guardian
 4 is not pending in this State, the guardian appointed in the
 5 other state, after giving notice to the appointing court of an
 6 intent to register, may register the guardianship order in this
 7 State by filing as a foreign judgment in a court, in any
 8 appropriate circuit of this State, certified copies of the order
 9 and letters of office."

10 SECTION 6. Section 560:5-433, Hawaii Revised Statutes, is
 11 amended to read as follows:

12 "§560:5-433 [~~Foreign conservator; proof of authority;~~
 13 ~~bond; powers.~~ ~~If a conservator has not been appointed in this~~
 14 ~~State and a petition in a protective proceeding is not pending~~
 15 ~~in this State, a conservator appointed in the state in which the~~
 16 ~~protected person resides may file in a court of this State, in a~~
 17 ~~circuit in which property belonging to the protected person is~~
 18 ~~located, authenticated copies of letters of appointment and of~~
 19 ~~any bond. Thereafter, the conservator may exercise all powers~~
 20 ~~of a conservator appointed in this State as to property in this~~
 21 ~~State and may maintain actions and proceedings in this State~~
 22 ~~subject to any conditions otherwise imposed upon nonresident~~



1 ~~parties.]~~ Registration of protective orders. If a conservator
2 has been appointed in another state and a petition for a
3 protective order is not pending in this State, the conservator
4 appointed in the other state, after giving notice to the
5 appointing court of an intent to register, may register the
6 protective order in this State by filing as a foreign judgment
7 in a court of this State, in any circuit in which property
8 belonging to the protected person is located, certified copies
9 of the order and letters of office and of any bond."

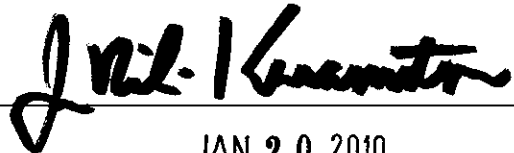
10 SECTION 7. In codifying the new sections added by section
11 2 of this Act, the revisor of statutes shall substitute
12 appropriate section numbers for the letters used in designating
13 the new sections in this Act.

14 SECTION 8. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 9. This Act shall take effect on July 1, 2011.

17

INTRODUCED BY:


JAN 20 2010



Report Title:

Uniform Adult Guardianship and Protective Proceedings
Jurisdiction Act

Description:

Establishes rules to determine which state has jurisdiction in guardianship and conservatorship cases where person has contacts with more than one state.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

