

Honolulu, Hawaii
March 14, 2012

RE: S.B. No. 2318
S.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2318, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act to ensure that only one state has jurisdiction at any one time in adult guardianship cases and protective proceedings;
- (2) Adopt guidelines to specify whether a court has jurisdiction to appoint a guardian or conservator for an incapacitated adult; and
- (3) Prioritize which state may proceed with a petition.

The Executive Office on Aging and the Commission to Promote Uniform Legislation supported the measure. The Judiciary offered comments on the measure.

Your Committee respectfully notes that the Judiciary testified that this bill may not be necessary and may subject families and guardians to increased complexity and procedure. For example, under Hawaii law, the circuit court has jurisdiction over

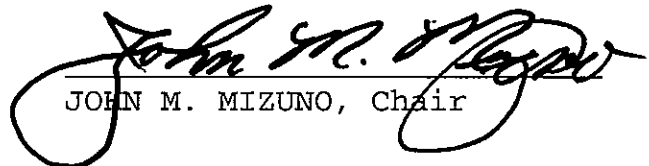


protective proceedings and the family court has jurisdiction over guardianship proceedings. The Judiciary added that families are currently able to seek guardianship for challenged minors before they turn 18 years of age, but the bill appears to not allow that as it defines an "incapacitated person" as an adult. Finally, the Judiciary asserted that the bill would require changes to court policies, procedures, and rules, and as a result, these changes would consume valuable and limited staff resources in a time of economic downturn.

Your Committee encourages the testifiers to work together on the measure as it moves through the legislative process to the Committee on Judiciary.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2318, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

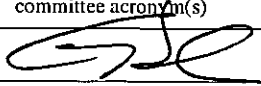
Respectfully submitted on
behalf of the members of the
Committee on Human Services,


JOHN M. MIZUNO, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

Record of Votes of the Committee on Human Services

Bill/Resolution No.: SB 2318, SDI	Committee Referral: HUS, JUD, FIN	Date: 3/12/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	✓			
2. JORDAN, Jo (VC)	✓			
3. BELATTI, Della Au	✓			
4. HANOHANO, Faye P.	✓			
5. LEE, Chris	✓			
6. MORIKAWA, Dee	✓			
7. WOOLEY, Jessica				✓
8. YAMANE, Ryan I.	✓			
9. CHING, Corinne W.L.	✓			
10. PINE, Kymberly Marcos				✓
TOTAL (10)	8			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align:center; font-size: x-large; margin-top: -10px;">  </div>				
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