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## A BILL FOR AN ACT

RELATING TO THE OFFICE OF THE PUBLIC GUARDIAN.

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

1           SECTION 1. Section 551A-2, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:  
3           "(a) The public guardian shall serve as guardian, limited  
4 guardian, testamentary guardian, or temporary guardian of an  
5 incapacitated person when so appointed by the family court or by  
6 the circuit court under chapter 560. [The] Notwithstanding  
7 section 560:5-304, the public guardian may not file a petition  
8 for the public guardian's own appointment. Petitions for public  
9 guardianship may [alse] be filed by any person, agency, or  
10 facility responsible for the support or care of individuals who:  
11           (1) Are not able to understand or adequately participate  
12           in decisions concerning their care; and  
13           (2) Have no relatives or friends willing and able to act  
14           as a guardian.  
15           (b) The public guardian shall have the same powers and  
16 duties as a private guardian. In addition, if there is no  
17 conservatorship in effect for a ward, the court may authorize  
18 the public guardian to:



- 1        (1) Request and obtain copies of any and all of the ward's  
2        financial information, records, and documents,  
3        including but not limited to account statements,  
4        deposit and withdrawal records, and canceled or  
5        returned checks, from any and all savings accounts,  
6        checking accounts, safety deposit box accounts,  
7        retirement or pension accounts, investment accounts,  
8        insurance accounts, annuity accounts, credit card  
9        accounts, and all other accounts held in the name of  
10       the ward; and  
11       (2) Transact business or take necessary action as to the  
12       accounts in paragraph (1)."

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 Statutory material to be repealed is bracketed  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

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

16

INTRODUCED BY:



JAN 17 2013

By Request



# H.B. NO. 195

**Report Title:**

Judiciary Package; Office of the Public Guardian; Powers

**Description:**

Prohibits the office of the public guardian from petitioning for its own appointment as guardian of the person for an incapacitated person. Authorizes the court to allow the office to manage a ward's financial assets where no conservatorship is in effect.

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

