

JAN 18 2013

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 [~~also~~] 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 Statutory material to be repealed is bracketed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: 

By Request



S.B. NO. 438

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.

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