

JAN 16 2014

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# A BILL FOR AN ACT

RELATING TO GUARDIANSHIP OF MINORS.

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

1           SECTION 1. Section 560:5-205, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) After a petition for appointment of a guardian is  
4 filed, the court shall schedule a hearing, and the petitioner  
5 shall give notice of the time and place of the hearing[~~;~~

6 ~~together with a copy of the petition, to:~~

7           ~~(1) The minor, if the minor has attained fourteen years of~~  
8           ~~age and is not the petitioner;~~

9           ~~(2) Any person alleged to have had the primary care and~~  
10           ~~custody of the minor during the sixty days before the~~  
11           ~~filing of the petition;~~

12           ~~(3) Each living legal parent of the minor whose parental~~  
13           ~~rights have not been terminated pursuant to chapter~~  
14           ~~571 or 587 or if one parent is deceased, the adult~~  
15           ~~nearest in kinship to the deceased parent that can be~~  
16           ~~found. If both parents are deceased, notice shall be~~  
17           ~~given to each adult sibling of the minor who can be~~  
18           ~~found or, if none, each adult nearest in kinship to~~



~~each deceased parent that can be found. For good  
 cause, the court may waive notice to the nearest in  
 kinship upon showing that all reasonable efforts have  
 been made to ascertain the identity and address of the  
 person or to effect notice, that the efforts were  
 unsuccessful, and that further efforts should not be  
 required because that person has not demonstrated a  
 reasonable degree of interest in or concern about the  
 minor;~~

~~(4) Any person nominated as guardian by the minor if the  
 minor has attained fourteen years of age;~~

~~(5) Any appointee of a parent whose appointment has not  
 been prevented or terminated under section 560:5-203;  
 and~~

~~(6) Any guardian or conservator currently acting for the  
 minor in this State or elsewhere].~~

Notice, together with a copy of the petition, shall be given to  
 the following living parents of the minor whose parental rights  
 have not been terminated pursuant to chapter 571 or 587A and who  
 are not appointing parents under section 560:5-202:

(1) The mother of the minor;


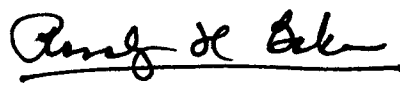


- 1        (2) A legal father as to whom the minor is a legitimate
- 2                child;
- 3        (3) An adjudicated father whose relationship to the child
- 4                has been determined by a court;
- 5        (4) A presumed father under section 578-2(d);
- 6        (5) A concerned natural father who is not the legal,
- 7                adjudicated, or presumed father but who has
- 8                demonstrated a reasonable degree of interest, concern,
- 9                or responsibility as to the welfare of the minor; or
- 10        (6) Any man who whose name appears as father on the
- 11                minor's birth certificate."

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

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

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INTRODUCED BY:   
Suzanne Olson Clark  


# S.B. NO. 2224

**Report Title:**

Guardianships; Minors; Notice

**Description:**

Amends the list of individuals that a petitioner is required to provide notice to regarding the time and place of the hearing for a petition for guardianship.

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

