
A BILL FOR AN ACT

RELATING TO GUARDIANSHIP.

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

1 SECTION 1. Section 560:5-108, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) [Venue] Except as otherwise provided in section
4 560:5-308(a), venue for a guardianship proceeding for an
5 incapacitated person:

6 (1) Is in the circuit of this State in which the
7 respondent resides; or

8 (2) If the respondent has been admitted to an institution
9 by order of a court of competent jurisdiction, is in
10 the circuit in which the court is located.

11 Venue for the appointment of an emergency or a temporary
12 substitute guardian of an incapacitated person is also in the
13 circuit in which the respondent is present."

14 SECTION 2. Section 560:5-308, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Unless excused by the court for good cause, the
17 proposed guardian shall attend the hearing. The respondent





S.B. NO. 118

1 shall attend and participate in the hearing, unless excused by
 2 the court for good cause. The respondent may present evidence
 3 and subpoena witnesses and documents, examine witnesses,
 4 including any court-appointed physician, psychologist, or other
 5 individual qualified to evaluate the alleged impairment, and the
 6 kokua kanawai, and otherwise participate in the hearing. The
 7 ~~[hearing may be held in a location convenient to the respondent~~
 8 ~~and]~~ court shall take all practical steps to ensure the
 9 attendance and participation of the respondent, including moving
 10 the site of the hearing if necessary. The hearing may be closed
 11 upon the request of the respondent and a showing of good cause."

12 SECTION 3. Statutory material to be repealed is bracketed
 13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.
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INTRODUCED BY: 




S.B. NO. 118

Report Title:

Guardianship; Incapacitated Persons; Petition Respondent;
Hearing Site

Description:

Requires the court to take all practical steps to ensure the attendance and participation of the respondent in a guardianship petition hearing, including moving the hearing site if necessary.

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