
A BILL FOR AN ACT

RELATING TO GUARDIANSHIP AND CONSERVATORSHIP SERVICES.

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

1 SECTION 1. The legislature finds that since 2023, a
2 working group has been formed to identify and address issues in
3 the State's guardianship and conservatorship statutory
4 procedures. This working group is named the "uniform
5 guardianship, conservatorship, and other protective arrangements
6 act working group", and it has met regularly in 2024 under the
7 facilitation of the staff of the Hawaii state council on
8 developmental disabilities. An important issue identified by
9 the working group is the accessibility of certain resources that
10 the court may order for individuals, also statutorily referred
11 to as respondents, for whom a guardianship or conservatorship is
12 being sought. The specific services are "kokua kanawai", who
13 are individuals appointed by the court to review the personal
14 circumstances of the respondent and provide the court with an
15 independent assessment of the situation; guardians ad litem, who
16 are individuals appointed by the court to represent the best
17 interests of the respondent; and "professional evaluations",



1 including but not limited to a psychological evaluation,
2 neurocognitive evaluation, or functional evaluation, by a
3 physician, psychologist, or other individual appointed by the
4 court who is qualified to evaluate the respondent's alleged
5 impairment.

6 While the court has the statutory authority to order these
7 resources, it does not always order them. The information
8 provided by these resources supplies the court with essential
9 information to support a court's informed decisions regarding
10 the capacity and circumstances of respondents. Overall, they
11 make the procedures surrounding guardianship and conservatorship
12 more equitable. When respondents do not receive these
13 resources, it is usually because they do not have the personal
14 finances to afford them.

15 Accordingly, the purpose of this Act is to establish a two-
16 year guardianship- and conservatorship-related court resources
17 pilot program in the circuit court of the first circuit that
18 will ensure these resources are available to all respondents.

19 SECTION 2. (a) There shall be established within the
20 judiciary a two-year pilot program in the probate court and
21 family court of the first circuit to fund the following



1 guardianship- and conservatorship-related court resources in
2 situations where the respondent does not have sufficient funds
3 to pay for one or more of the resources and the court has deemed
4 the resource or resources beneficial:

5 (1) An investigation and report by a kokua kanawai
6 appointed with the powers and duties pursuant to
7 section 560:5-305(c) and (d), Hawaii Revised Statutes,
8 for guardianships and powers and duties pursuant to
9 section 560:5-406(c) and (d), Hawaii Revised Statutes,
10 for conservatorships;

11 (2) A guardian ad litem appointed pursuant to section
12 560:5-115, Hawaii Revised Statutes; and

13 (3) A professional evaluation of the respondent's alleged
14 impairment pursuant to section 560:5-306, Hawaii
15 Revised Statutes, for guardianships or section
16 560:5-406(f), Hawaii Revised Statutes, for
17 conservatorships, that includes information as noted
18 in rule 102, Hawaii probate rules; provided that the
19 professional evaluation may include but not be limited
20 to a psychological evaluation, neurocognitive
21 evaluation, or functional evaluation.



1 (b) The judiciary shall submit a report of its findings
2 and recommendations, including any proposed legislation, to the
3 governor and legislature no later than forty days prior to the
4 convening of the regular sessions of 2026 and 2027 on the
5 guardianship- and conservatorship-related court resources pilot
6 program and include the following information aggregated by each
7 type of court:

8 (1) The status of the guardianship- and
9 conservatorship-related court resources pilot program;

10 (2) The number of people served by the pilot program;

11 (3) The number of people who received resources from the
12 pilot program who otherwise would not have been able
13 to pay for these resources;

14 (4) Recommendations as to whether the pilot program should
15 continue as a pilot program, be made permanent, or be
16 discontinued; and

17 (5) If continuation or permanency of the pilot program is
18 recommended, recommendations for funding for the
19 program.

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2025-2026 and
2 the same sum or so much thereof as may be necessary for fiscal
3 year 2026-2027 for the provision of guardianship- and
4 conservatorship-related court resources in the first circuit
5 probate court as part of the pilot program established pursuant
6 to section 2 of this Act.

7 The sums appropriated shall be expended by the judiciary
8 for the purposes of this Act.

9 SECTION 4. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2025-2026 and
12 the same sum or so much thereof as may be necessary for fiscal
13 year 2026-2027 for the provision of guardianship- and
14 conservatorship-related court resources in the first circuit
15 family court as part of the pilot program established pursuant
16 to section 2 of this Act.

17 The sums appropriated shall be expended by the judiciary
18 for the purposes of this Act.

19 SECTION 5. This Act shall take effect on April 23, 2057.



Report Title:

Judiciary; Guardianship; Conservatorship; Pilot Program;
Reports; Appropriations

Description:

Establishes a two-year pilot program in the Probate Court and Family Court of the First Circuit to fund certain guardianship- and conservatorship-related court resources in situations where the respondent does not have sufficient funds to pay for one or more of the resources and the court has deemed the resource or resources beneficial. Requires the Judiciary to submit reports to the Governor and Legislature. Appropriates funds. Effective 4/23/2057. (SD1)

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

