

STAND. COM. REP. NO.

1052

Honolulu, Hawaii

FEB 28 , 2025

RE: H.B. No. 320
H.D. 2

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 320, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SUPPORTED DECISION-MAKING AGREEMENTS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow qualified adults, including adults with a disability, mentally ill adults, and adults sixty-five years of age or older, to enter into supported decision-making agreements with one or more members of a supportive community; and
- (2) Specify the terms of a supported decision-making agreement, including access to personal information, agreement requirements, and circumstances for termination.

Your Committee received testimony in support of this measure from the Executive Office on Aging; Disability and Communication Access Board; State Council on Developmental Disabilities; one member of the Kaua'i County Council; Hawaii Disability Rights Center; Hawaii Self-Advocacy Advisory Council; Easterseals Hawaii; Special Education Advisory Council; Full Life; and seven

2025-2329 HB320 HD2 HSCR HMSO



individuals. Your Committee received comments on this measure from the Department of Health; Department of the Attorney General; and Department of Human Services.

Your Committee finds that supported decision-making agreements allow adults with a disability, mentally ill adults, and adults sixty-five years of age or older to make their own decisions with the help of trusted supporters. This approach promotes greater autonomy, dignity, and self-determination, while also minimizing the need for more restrictive measures like guardianships, which can undermine an individual's rights and freedoms.

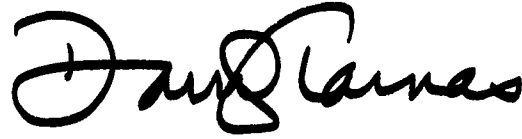
Your Committee has amended this measure by:

- (1) Clarifying the definition of "vulnerable adult" as used in the supported decision-making agreements chapter;
- (2) Prohibiting a qualified adult from entering into a supported decision-making agreement with a member of the supportive community who has been confirmed as the perpetrator of abuse of the qualified adult, any other qualified adult, or any vulnerable adult;
- (3) Requiring a supported decision-making agreement to be automatically terminated if the member of the supportive community who entered into the decision-making agreement provides paid support services to the qualified adult; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 320, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 320, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,

A handwritten signature in black ink, appearing to read "David Tarnas". The signature is fluid and cursive, with the first name "David" and last name "Tarnas" clearly distinguishable.

DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-third Legislature

HSCR 1052

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB320 HD1	Committee Referral: HCH, JHA	Date: 02/25/2025		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au	✓			
4. COCHRAN, Elle				✓
5. HASHEM, Mark J.	✓			
6. KAHALOA, Kirstin				✓
7. PERRUSO, Amy A.	✓			
8. TAKAYAMA, Gregg	✓			
9. TODD, Chris	✓			
10. GARCIA, Diamond				✓
11. SHIMIZU, Garner M.				✓
TOTAL (11)	7	0	0	4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				