

STAND. COM. REP. NO.

1194

Honolulu, Hawaii

MAR 20 2025

RE: H.B. No. 648
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 648, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GUARDIANSHIP AND CONSERVATORSHIP SERVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to establish 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.

Your Committee received testimony in support of this measure from the Judiciary, Office of the Public Guardian, Hawaii Self Advocacy Advisory Council, Hawaii Disability Rights Center, AARP Hawaii, Easterseals Hawaii, and two individuals.

Your Committee received comments on this measure from the State Council on Developmental Disabilities.

Your Committee finds that adult guardianship and conservatorship petitions are brought to request a court to name someone to care for the well-being, and possibly the finances, of another person who is deemed unable to care for themselves. In



making these decisions, certain resources concerning the person, called a respondent, may aid the court. These include "Kokua Kanawai", who are individuals appointed by the court to review the personal circumstances of the respondent and provide the court with an independent assessment of the situation; guardians ad litem, who are individuals appointed by the court to represent the best interests of the respondent; and professional evaluations from physicians, psychologists, or other individuals deemed by the court qualified to evaluate the alleged impairment. However, although existing law enables the court to order these resources for the respondent, they are paid for by the respondent and financial constraints often preclude them from being provided. This measure will make these resources more available and ultimately help make guardianship and conservatorship procedures more equitable.

Your Committee notes the testimony of the Office of the Public Guardian concerning physician's letters, that they are summaries that make conclusions about a respondent's incapacity, but often lack detailed evaluative testing for IQ, logic, comprehension, memory, and critical thinking, even though this testing is important in evaluating the respondent. Therefore, your Committee believes that physician's letters are not appropriate substitutes for professional evaluations in certain situations and this measure should be amended to specify the certain types of professional evaluations that the court may order in guardianship or conservatorship cases.

Accordingly, your Committee has amended this measure by:

- (1) Specifying that a professional evaluation that may be funded by this measure includes but is not limited to a psychological evaluation, neurocognitive evaluation, or functional evaluation;
- (2) Replacing legislative findings referencing physician's letters and reports with language specifying that "professional evaluations" includes but is not limited to a psychological evaluation, neurocognitive evaluation, or functional evaluation;
- (3) Inserting an effective date of April 23, 2057, to encourage further discussion; and



- (4) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 648, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 648, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

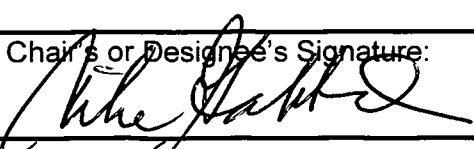


KARL RHOADS, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:	Committee Referral:	Date:		
HB 648, HD1	JDC, WAM	3/14/25		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

*Only one measure per Record of Votes