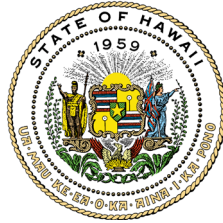


JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII

KENNETH FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OKELE



**STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
EXECUTIVE OFFICE ON AGING**
NO. 1 CAPITOL DISTRICT
250 SOUTH HOTEL STREET, SUITE 406
HONOLULU, HAWAII 96813-2831

CAROLINE CADIRAO
DIRECTOR
Executive Office on Aging

Telephone
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**Testimony in SUPPORT of HB320
RELATING TO SUPPORTED DECISIONMAKING**

COMMITTEE ON HUMAN SERVICES AND HOMELESSNESS
REP. LISA MARTEN, CHAIR
REP. IKAIKA OLDS, VICE CHAIR

Testimony of Caroline Cadirao
Director, Executive Office on Aging
Attached Agency to the Department of Health

Hearing: Tuesday, February 11, 2025, 9:45 A.M., Conference Room 329

1 **EOA Position:** The Executive Office on Aging (EOA), an attached agency to the Department of
2 Health (DOH) **supports HB320.**

3 **Fiscal Implications:** None

4 **Purpose and Justification:** This measure formally recognizes and defines “supported decision-
5 making agreements” under the Hawaii Revised Statutes. Supported decision-making (SDM)
6 offers a way for older adults and individuals with disabilities to maintain their rights, dignity, and
7 independence by making decisions about their own lives with help from people that they trust
8 and choose. SDM is person centered and is based on the wants and needs of the individual.

9 Too many people are unnecessarily placed under restrictive guardianships when they
10 could make their own decisions with individualized assistance from people they trust.

11 Additionally, when an individual obtains a guardian it can be difficult to change their status. If

1 passed, the bill would establish a legal framework for decision-making in the state and would
2 encourage courts to consider SDM before establishing guardianship. SDM agreements would
3 save time and money in probate courts by reducing the number of guardianship petitions for
4 people who do not need them. However, SDM does not replace guardianship for those who need
5 it. It is an additional and less restrictive option.

6 Several States have piloted SDM models and have had success in bringing families
7 together and improving lives. EOA hopes that Hawai'i legislators take this opportunity to
8 provide a pathway where the decisions and choices of older adults and individuals with
9 disabilities are honored.

10 **Recommendation:** EOA supports HB320 which would formally recognize supported decision-
11 making agreements into Hawai'i law.

12 Thank you for the opportunity to testify.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMĀMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 11, 2025

The Honorable Representative Lisa Marten, Chair
House Committee on Human Services and Homelessness
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Marten, and Committee Members:

SUBJECT: HB320 RELATING TO SUPPORTED DECISION-MAKING AGREEMENTS

The Hawaii State Council on Developmental Disabilities, on behalf of the Guardianship Conservatorship Working Group **Offering Comments HB320**, which allows 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 members of a supportive community. Specifies the terms of a supported decision-making agreement, including access to personal information and agreement requirements.

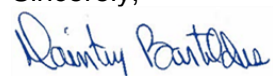
The Council is providing testimony as the facilitator of a working group created by Representative Tarnas in response to the 2023 Legislative Session's HB1440. Our group began by reviewing the UGCOPAA and its applicability to Hawai'i and shifted our focus to identifying current issues or gaps in our guardianship and conservatorship laws. Our group began meeting in July 2023, and our meetings are continually ongoing. The members of our group are below.

The working group comprises representatives from various key entities, including the Family court, the Hawaii Judiciary's Probate Committee, the Department of the Attorney General, the Department of Human Services- Adult Protective and Community Services Branch, the Uniform Law Commission, AARP Hawaii, the Caregiver Foundation, the Office of the Public Guardian, the Hawaii Disability Rights Center, Ombudsman John McDermott, Parents of Individuals with Developmental Disabilities, and the Richardson Law School's Elder Law Clinic.

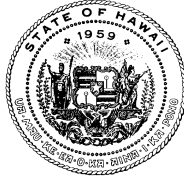
Our working group has explored the benefits and impact of Supported Decision-Making (SDM) in Hawai'i. One significant challenge faced by our Guardianship and Conservatorship courts is the heavy caseload, leading to prolonged hearing times and associated difficulties. Implementing SDM in Hawai'i could help alleviate this burden by reducing the number of individuals requiring Guardianship or Conservatorship.

Thank you for the opportunity to submit testimony **offering comments of HB320**

Sincerely,

A handwritten signature in blue ink, appearing to read "Daintry Bartoldus". The signature is fluid and cursive, with the first name "Daintry" and last name "Bartoldus" clearly distinguishable.

Daintry Bartoldus
Executive Administrator



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

Testimony COMMENTING on HB320
RELATING TO SUPPORTED DECISION-MAKING AGREEMENTS

REPRESENTATIVE LISA MARTEN, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

Hearing Date: February 11, 2025; 10:00 am

Room Number: 329

1 **Department Position:** The Department of Health (“Department”) supports the intent of HB320
2 and provides the following comments. Our comments focus on ensuring safeguards to protect
3 vulnerable individuals are included in this bill.

4 **Department Testimony:** The Developmental Disabilities Division (DDD) provides the following
5 testimony on behalf of the Department. The Department appreciates the intent of HB320 to
6 provide a framework for supported decision-making (SDM) as a less restrictive alternative to
7 guardianship and/or conservatorship, and we applaud its intent. We offer that additional
8 safeguards will strengthen the bill and prevent potential harm to “qualified adults,” defined in
9 the bill as “an adult with a disability, a mentally ill adult, or an aging adult.”

10 According to the National Adult Protective Services Association, financial abuse of vulnerable
11 adults has grown significantly over the past decade, and victims of such abuse are more likely to
12 be elderly, experience cognitive impairment, and need help with activities of daily living. In
13 light of the foregoing, we suggest the committee examine areas of the bill that might be
14 strengthened:

- 1 • Access to Protected Information: Section 2 of HB320 permits a member of the
2 supportive community (“supporter”) to assist the qualified adult with gaining access to a
3 myriad of personal information, including medical, educational, and financial
4 information. This information is highly sensitive, and Federal regulations provide
5 additional privacy protections to safeguard certain information, such as protected
6 health information (PHI) covered under the Health Insurance Portability and
7 Accountability Act of 1996 (HIPAA) and educational records covered under the Family
8 Educational Rights and Privacy Act of 1974 (FERPA). Other states that have adopted
9 SDM statutes, such as Alaska and Delaware, require a separate authorization to release
10 information covered under HIPAA or FERPA to the supporter. HB320 does not require a
11 specific authorization to release such information to the supporter.
- 12 • Conflicts of Interest and Disqualification of Potentially Harmful Supporters: Because the
13 supporter of the qualified adult can gain access to confidential information with the use
14 of a SDM agreement and may assist the qualified adult with medical and/or financial
15 decisions, the potential for abuse needs consideration at the outset. Several states,
16 including Alaska, California, Delaware, the District of Columbia, Illinois, Maryland, New
17 Hampshire, Rhode Island, and Washington, prohibit certain individuals from serving as a
18 supporter. For example, a supporter may be disqualified if they provide paid support
19 services to the qualified adult or if the supporter has engaged in certain criminal acts,
20 such as the abuse of a vulnerable person or theft. Although a SDM agreement will
21 automatically terminate under similar conditions pursuant to HB320, the measure does
22 not disqualify supporters with conflicts of interest or past criminal convictions from
23 initially serving as a member of the supportive community.

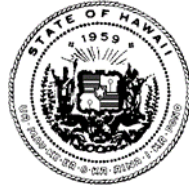
24 The Department recognizes the many benefits of SDM, including providing an individualized
25 and person-centered approach to decision-making. Because this is a complex issue, the
26 potential for abuse should be considered and appropriate safeguards provided to protect
27 vulnerable individuals. Unlike guardianships and conservatorships, there is no court oversight

1 of SDM agreements in the bill, and mistreatment is only addressed if reported to the
2 department of human services. We suggest further research be conducted to ensure the
3 language in this measure provides appropriate safeguards.

4 **Fiscal Implications:** Research may require an appropriation.

5 Thank you for the opportunity to testify.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



RYAN I. YAMANE
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWE LAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

February 10, 2025

TO: The Honorable Representative Lisa Marten, Chair
House Committee on Human Services & Homelessness

FROM: Ryan I. Yamane, Director

SUBJECT: **HB 320 – RELATING TO SUPPORTIVE DECISION-MAKING AGREEMENTS.**

Hearing: February 11, 2025, 9:45 a.m.
Conference Room 329 & Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent, defers to other involved departments or agencies, offers comments, and requests clarification.

PURPOSE: The purpose of this bill is to 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. This bill specifies the terms of a supported decision-making agreement, including access to personal information and agreement requirements.

DHS supports efforts to create the least restrictive options for all residents to make independent decisions and create written agreements of their choices. DHS wishes to inform our community partners that Adult Protective and Community Services (APCS) investigates vulnerable adults reported to be abused, exploited, and/or neglected as defined in section 346-222, Hawaii Revised Statutes (HRS). For an APCS investigation, the definition of vulnerability includes the inability to communicate or make responsible decisions, perform own or arrange

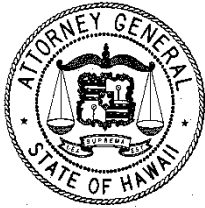
for essential activities of daily living, or protect oneself from abuse. A “qualified adult” may be considered an alleged victim if the “qualified adult” meets the definition of vulnerability.

APCS requests clarification of the phrase in paragraph (5) (on page 7, line 3) of “relying on the supported decision-making agreement” by persons described in section 346-224(a), HRS, when reporting alleged mistreatment or abuse to DHS. It is unclear what is meant by the phrase, is the person who is presented with the supported-decision-making agreement to determine that the document is not trustworthy, being used by the community member in conflict with the qualified adult's decision-making authority, or the decisions being made by the supportive community member is causing the person to suspect maltreatment or abuse of the qualified adult.

Also, the findings of an APCS investigation are confidential and limited to the alleged victim and alleged perpetrator, as defined in section 346-225, HRS, and section 17-1421-9.1(b)(c), Hawaii Administrative Rules (HAR). If a qualified adult is found to be vulnerable and an alleged victim, they and the alleged perpetrator involved in the investigation can share the findings of their investigation. If the alleged perpetrator holds certification or licensure in the State of Hawaii, APCS will notify the Department of Commerce and Consumer Affairs, Professional and Vocational Licensing Division of the investigation’s findings.

APCS agrees with subsection (d) (page 8, starting at line 4) and supports the automatic termination of any supported decision-making agreements based on the findings of an investigation by APCS or when a supportive community member was found to be an alleged perpetrator. If an investigation finds the qualified adult to be vulnerable and in need of protection from the supportive community member as an alleged perpetrator, APCS may pursue actions with the qualified adult to prevent further abuse by the alleged perpetrator. APCS follows the alleged victim’s requests and works together with alleged victims to participate in their new protective actions.

Thank you for the opportunity to provide comments on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 320, RELATING TO SUPPORTED DECISION-MAKING AGREEMENTS.

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

DATE: Tuesday, February 11, 2025 **TIME:** 9:45 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Margaret A. Leong, Deputy Attorney General

Chair Marten and Members of the Committee:

The Department of the Attorney General provides the following comments:

This bill establishes a new chapter of the Hawaii Revised Statutes (HRS) to set out a mechanism for a "qualified adult" to enter into supported decision-making agreements with one or more members of a supportive community for the purposes of assisting the "qualified adult" in understanding and making decisions regarding the qualified adult's health, safety, welfare, or financial affairs. The bill on page 2, lines 9-10, defines "qualified adult" as "an adult with a disability, a mentally ill adult, or an aging adult."

As a preliminary matter, we note that House Bill No. 1004 would amend the current laws relating to advance health care directives and advance mental health care directives, and it also addresses supported decision-making. House Bill No. 1004 is comprehensive in its treatment of capacity and decision-making, and we believe it is a more appropriate vehicle for dealing with the supported decision-making issues in this bill. If the Committee is inclined to pass this bill in conjunction with House Bill No. 1004 or instead of it, we recommend the following amendments for clarity and consistency.

The bill provides, on page 5, lines 8-12, in new section -3, for protection of the qualified adult's financial or personal information, but the bill does not define "personal information." We recommend adding a definition of "personal information" to new section -1 to read as follows:

"Personal information" means information that can be used to distinguish or trace an individual's identity, either alone or when combined with other information, that is linked or linkable to a specific individual.

And we recommend including a reference to "medical information" and distinguishing it from "personal information," by amending new section -3(b), at page 5, lines 8-12, to read as follows:

(b) If a member of the supportive community assists the qualified adult in accessing, collecting, or obtaining financial, medical, or personal information, the member of the supportive community shall keep the information confidential, as requested by the qualified adult.

The bill also provides, on page 7, lines 3-9, in new section -4(a), for a notice of mandated reporting for adult abuse pursuant to section 346-224(a), HRS, if the person relying on the supported decision-making agreement is a mandated reporter and has cause to believe that the qualified adult is being mistreated or abused by the member of the supportive community. We recommend conforming the requirement with the wording in section 346-224, HRS, and we suggest other revisions (in bold) to add clarity to the process, and certainty for persons using a supported decision-making agreement, as follows:

(a) A supported decision-making agreement ~~[may be in any form but shall be valid only if it contains, at a minimum, the following:]~~
shall be in writing and shall include at a minimum:

- (1) The name of the qualified adult;
- (2) The name, address, phone number, and electronic mail address of the member of the supportive community, if applicable;
- (3) ~~[A list of decisions]~~ **Identification of the subject matter** for which the qualified adult requests advice from the member of the supportive community;
- (4) A description of the agreement terms, including, at a minimum, the terms under which the member of the supportive community agrees to:
 - (A) Provide information as requested by the qualified adult;
 - (B) Respect that the final and ultimate decision is the qualified adult's and not the member of the supportive community's;
 - (C) Not coerce or manipulate the qualified adult into making any decision; and

- (D) Provide the most up-to-date and relevant information to the qualified adult based on all the available and known information the member of the supportive community has;
- (5) **A description of how the members of the supportive community may work together if there is more than one member of the supportive community;**
- (6) **A description of how any perceived or actual conflict between the members of the supportive community and the adult shall be mitigated;**
- [(5)] (7) A notice that any person, as described in section 346-224(a), who is relying on the supported decision-making agreement and ~~[has cause]~~ **who knows or has reason** to believe that the qualified adult is ~~[being mistreated or abused by the member of the supportive community]~~ **a vulnerable adult and has incurred abuse or is in danger of abuse if immediate action is not taken,** shall report the alleged ~~[mistreatment or]~~ abuse to the department of human services[;] **in accordance with section 346-224;** and
- [(6)] (8) The day, month, and year that the supportive decision-making agreement was entered into.

Finally, the bill provides, on page 8, line 4, to page 9, line 2, in new section -4(a), for termination of a supported decision-making agreement, including when a member of the supportive community is confirmed to have abused the qualified adult. We recommend revising the wording to reflect the practice of the Department of Human Services relating to confirmations of adult abuse pursuant to part X of chapter 346, HRS, for consistency, and that new section -4(d) be amended to read as follows:

- (d) The supported decision-making agreement shall automatically be terminated if:
 - (1) After investigating a member of the supportive community for ~~[mistreatment or]~~ abuse of the qualified adult, the department of human services ~~[finds]~~ **confirms** that the qualified adult **is a vulnerable adult who** has been ~~[mistreated or]~~ abused by the member of the supportive community; or
 - (2) The member of the supportive community is:
 - (A) ~~[Substantiated in a case]~~ **Confirmed as the perpetrator** of ~~[mistreatment or]~~ abuse of the qualified adult, any other qualified adult, or any vulnerable adult;

- (B) Convicted of a crime against a vulnerable adult or in which the member otherwise intentionally caused physical harm to another;
- (C) Convicted of a financial crime; or
- (D) Found to have committed theft in the first, second, third, or fourth degree.

For the purposes of this ~~[paragraph]~~ section, "vulnerable adult" has the same meaning as defined in section 346-222.

If the Committee passes this bill, we respectfully request that the Committee consider the recommended revisions. Thank you for the opportunity to provide testimony.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
PRINCESS VICTORIA KAMAMALU BUILDING
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 11, 2025

The Honorable Representative Lisa Marten, Chair
House Committee on Human Services and Homelessness
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Representative Marten, and Committee Members:

SUBJECT: HB320 RELATING TO SUPPORTED DECISION-MAKING AGREEMENTS

The Hawaii State Council on Developmental Disabilities **STRONGLY SUPPORTS HB320**, which allows 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 members of a supportive community. Specifies the terms of a supported decision-making agreement, including access to personal information and agreement requirements.

This critical legislation affirms the autonomy, dignity, and self-determination of individuals with disabilities who may require support in decision-making but do not need restrictive guardianship or conservatorship. For far too long, individuals with Intellectual and Developmental Disabilities (I/DD) and other disabilities have had limited options for decision-making support, often being placed under restrictive guardianship arrangements that unnecessarily strip away their basic rights and dignity. Guardianship often deprives individuals of the ability to make key life decisions, ranging from medical choices to financial matters and personal relationships. This system undermines their independence and fosters exclusion rather than empowerment.

Supported Decision-Making (SDM) offers a meaningful alternative that respects individual rights while ensuring access to guidance and assistance when needed. SDM fosters inclusion, builds personal confidence, and provides people with disabilities the necessary tools to lead self-determined and dignified lives. It is a model that prioritizes individual choice, community integration, and human rights. A legally recognized Supported Decision-Making Agreement is essential for ensuring that people with disabilities receive the support they need without being placed under guardianship. A formalized SDM Agreement provides legal recognition to ensure that medical providers, financial institutions, and service agencies recognize an individual's chosen supporter, preventing unnecessary barriers to accessing services. It also serves as a safeguard against unnecessary guardianship, providing courts with clear evidence that an individual can make informed decisions with support. Additionally, formal agreements define the roles and responsibilities of supporters, reducing the risk of coercion, undue influence, or financial exploitation. By reinforcing an individual's right to make their own choices, SDM Agreements enhance self-determination and empower individuals to advocate for themselves.

While HB320 is an essential step forward, the Hawai'i State Council on Developmental Disabilities strongly urges the inclusion of an amendment to further protect the rights of individuals using SDM Agreements. We respectfully request the following language be added to the bill:

"A Supported Decision-Making Agreement is not evidence of incapacity or incompetency. Execution of a supported decision-making agreement may not be used as evidence of incapacity or incompetency and does not preclude an adult with a functional impairment who has entered into such an agreement from acting independently of the agreement."

This amendment is critical to ensure that individuals utilizing SDM Agreements are not wrongly presumed to lack capacity or be legally incompetent. The purpose of SDM is to enhance independence, not diminish rights.

HB320, Hawai'i will preserve individual rights, allowing people with disabilities to maintain decision-making authority while receiving needed support. It will provide legal clarity by establishing a structured framework for SDM Agreements, benefiting individuals, families, and institutions. Additionally, it will serve as a viable alternative to unnecessary guardianship, reducing dependency on restrictive legal arrangements and promoting inclusion within the community. This legislation will ensure that individuals with disabilities can direct their own lives, make their own choices, and exercise their fundamental rights with trusted supporters.

HB320 is a progressive, rights-affirming measure that ensures individuals with Intellectual and Developmental Disabilities can make decisions based on their abilities, values, and preferences—not through forced guardianship. By adopting this bill, Hawai'i will join a growing national movement that recognizes and upholds the fundamental rights of individuals with disabilities. The Hawai'i State Council on Developmental Disabilities urges swift passage of HB320 to empower our community members and provide them with the legal support they deserve.

Thank you for the opportunity to submit testimony in **strong support of HB320**

Sincerely,



Daintry Bartoldus
Executive Administrator

HB-320

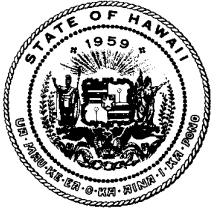
Submitted on: 2/10/2025 5:00:48 PM

Testimony for HSH on 2/11/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Julia Althoff	State Council on Developmental Disabilities	Support	Remotely Via Zoom

Comments:

I will be providing oral testimony on behalf of Daintry Bartoldus for the State Council on Developmental Disabilities.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Rm. 118 • Honolulu, Hawai'i 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • (808) 204-2466 (VP)

February 11, 2025

TESTIMONY TO THE HOUSE COMMITTEE ON HUMAN SERVICES AND HOMELESSNESS

House Bill 320 – Relating to Supported Decision-Making Agreements

The Disability and Communication Access Board (DCAB) supports House Bill 320 – Relating to Supported Decision-Making Agreements. This bill would 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 members of a supportive community. Specifies the terms of a supported decision-making agreement, including access to personal information and agreement requirements.

Supported decision-making agreements have been established in various other states and provide a meaningful alternative to guardianship. They provide individuals with the tools and support to make their own decisions without restrictive legal oversight. By establishing a clear legal framework, this bill ensures that people with disabilities can access services without the barriers that often come with guardianship.

House Bill 320 promotes self-determination and preserves individual rights. DCAB supports this measure to provide consistent, accessible options for those who need decision-making support.

Thank you for considering our position.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

HB-320

Submitted on: 2/3/2025 9:42:36 AM

Testimony for HSH on 2/11/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Hawaii Self Advocacy Advisory Council	Hawaii Self-Advocacy Advisory Council	Support	Written Testimony Only

Comments:

The Hawaii Self-Advocacy Advisory Council strongly supports HB320. People with disabilities often only have one option for legal support, which is Guardianship. Not all people with disabilities need a full guardianship and can still make decisions with the support of a trusted family or community member. With supported decision making, there is the opportunity for the person with a disability to become more empowered and independent, with the right supports in place.

HB-320

Submitted on: 2/7/2025 5:56:23 PM

Testimony for HSH on 2/11/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Support	Remotely Via Zoom

Comments:

This is a high priority Bill for us and it mirrors a growing trend across the country. It affirms the autonomy, dignity, and self-determination of individuals with disabilities who may require support in decision-making but do not need restrictive guardianship or conservatorship. For far too long, individuals with Intellectual and Developmental Disabilities (I/DD) and other disabilities have had limited options for decision-making support, often being placed under restrictive guardianship arrangements that unnecessarily strip away their basic rights and dignity. Guardianship often deprives individuals of the ability to make key life decisions, ranging from medical choices to financial matters and personal relationships. This system undermines their independence and fosters exclusion rather than empowerment.

Supported Decision-Making (SDM) offers a meaningful alternative that respects individual rights while ensuring access to guidance and assistance when needed. Further, the current guardianship system encompasses so many individuals that we believe this will be a “win-win” situation for all as it will help the Court system “unburden” itself.

We also support the amendment proposed by the DD Council to state that entering into such agreement is not evidence of incapacity or lack of competence. " This amendment is critical to ensure that individuals utilizing SDM Agreements are not wrongly presumed to lack capacity or be legally incompetent. The purpose of SDM is to enhance independence, not diminish rights.

HB-320

Submitted on: 2/10/2025 11:45:16 AM

Testimony for HSH on 2/11/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
James Kilgore	Full Life	Support	Written Testimony Only

Comments:

Dear Chair Marten and members of the House Committee on Human Services and Homelessness:

Full Life strongly supports HB320, allowing adults with disabilities to enter into supported decision-making agreements. This is an important option for those who do not require more restrictive guardianship or conservatorship. Supported decision-making agreements give people with intellectual and developmental disabilities and other disabilities the autonomy, the right to self-determination, and the support needed to make decisions impacting their own lives.

Mahalo for the opportunity to submit testimony in support of HB320.

Sincerely,

Jim Kilgore

Executive Director, Full Life

HB-320

Submitted on: 2/5/2025 5:09:41 AM

Testimony for HSH on 2/11/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Adam Klevin	Individual	Oppose	Written Testimony Only

Comments:

This bill is unconstitutional, violates precedent set in past Supreme Court rulings including *Caetano*, *Heller*, and *Bruen*, and would unfairly infringe upon the rights of Americans. Representatives who support this bill are not representing the people of Hawaii but rather the agendas of anti-gun, anti-American-values national organizations such as Everytown Et al. Each new year we the people have to fight to protect our second amendment rights here in Hawaii as representatives like the ones who have introduced this bill seek to restrict and infringe upon those rights. These actions are not going unnoticed. We must vote to replace those representative who place the interests of anti-gun national organizations over the rights of the people.

HB-320

Submitted on: 2/5/2025 5:04:42 PM

Testimony for HSH on 2/11/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
ANNETTE TASHIRO	Individual	Support	Written Testimony Only

Comments:

As a lifelong community advocate for people with disabilities, decision-making is an integral part of daily living and quality of life. Supported decision-making ensures that a person can depend on someone trustworthy to assist with problem-solving and provide guidance when needed. I've observed so many injustices, bullying, and abuse of people with disabilities. Please vote on this bill.

HB-320

Submitted on: 2/6/2025 8:31:20 AM

Testimony for HSH on 2/11/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Elento	Individual	Support	Written Testimony Only

Comments:

Thank you.

HB-320

Submitted on: 2/9/2025 2:33:21 PM

Testimony for HSH on 2/11/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Zahava Zaidoff	Individual	Support	Remotely Via Zoom

Comments:

Aloha Chair, Vice Chair, and members of the Committee,

I stand in strong support of this bill to ensure that those with disabilities are given choices and so that the stigma around every disabled person requiring guardianship, can be abolished.

Once a person is under guardianship, the obstacles to removing it are large.

As a disabled person myself, a disabilities advocate and trainer, and a caregiver for disabled family members, I feel like my voice is imperative to this conversation. We may learn differently or process information differently, but we do learn and we process. Many of us do have wants and desires and preferences. Needing support should not silence us.

By laying out a specific process for the Supported Decision Making agreements, you are standing up for us. You are taking away the ability of others to make decisions for us. You are validating our value. You are making it law that should we desire to make our decisions, but require some support in doing so, that we will have that. You are telling our families and our direct support professionals that we have choice. You are letting us know that our self determination matters.

The world may not always value us and what we can bring to the table, but you can ensure that becomes less of the norm in Hawaii, the land of Aloha.

Human needs are not special and all humans require support. By passing this bill, you will be codifying that. No state agency will be able to bypass the process of talking to us.

Nothing about us, without us.

Mahalo Nui Loa for standing up for our rights.

HB-320

Submitted on: 2/9/2025 6:04:24 PM

Testimony for HSH on 2/11/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Sierra Whiteside	Individual	Support	Written Testimony Only

Comments: Relating to Supported Decision-Making Agreements My name is Sierra Whiteside, and I am a self-advocate with a developmental disability. I am submitting this testimony in strong support of H.B. 320, which establishes the legal framework for Supported Decision-Making (SDM) Agreements in Hawai‘i. As someone who has faced challenges in making decisions while still wanting to remain independent, I know firsthand how important it is to have support without losing my rights . The Need for Supported Decision-Making Agreements People with developmental disabilities, like me, want to make our own choices. We do not need someone else to take over our lives. Unfortunately, many of us are placed under guardianship, which takes away our basic rights and dignity. Guardianship means someone else makes all the decisions for us—even when we are capable of making our own choices with the right support. This is unacceptable. Supported Decision-Making (SDM) is a better option because it allows me to get help when I need it while still keeping control over my life. I can choose people I trust—like my family, friends, or mentors—to help me understand my choices. They give me advice and explain things, but in the end, I am the one who makes the decision. Why a Formal Supported Decision-Making Agreement is Necessary A formal SDM Agreement is important because places like doctors' offices and banks, do not always recognize verbal agreements. Without a formal document, they might ignore my decisions. The agreement spells out what my supporters can and cannot do. They are there to help, not take over my decisions. It holds them accountable, so they do not take advantage of me. Having a formal agreement also proves that I am capable. It shows that I can make my own decisions and advocate for myself in medical, financial, and everyday life situations. Conclusion H.B. 320 is about freedom, dignity, and independence for people with developmental disabilities. We deserve the right to make our own decisions, just like everyone else. Supported Decision-Making gives us the tools to do that without losing our rights. By passing this bill, Hawai‘i will set an example for inclusion and respect for people with disabilities. For these reasons, I strongly urge you to pass H.B. 320 and stand with self-advocates who want to take charge of our own lives. Mahalo for your time and consideration. Sincerely, Sierra Whiteside Self-Advocate

HB-320

Submitted on: 2/10/2025 9:11:20 AM

Testimony for HSH on 2/11/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaili Swan	Individual	Support	In Person

Comments:

I am strong support support of this measure beacuse people with disabilities need supporting decisions making make decisions according with their legal guardians or individuals people with disabilities please pass this bill thank you.