

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
(808) 586-0100

Fax
(808) 586-0185

**Testimony in SUPPORT of HB320 HD2 SD1
RELATING TO SUPPORTED DECISIONMAKING**

COMMITTEE ON JUDICIARY
SENATOR KARL RHOADS, CHAIR
SENATOR MIKE GABBARD, VICE CHAIR

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

Hearing: Tuesday, March 25, 2025, 10:01 A.M., Conference Room 016

EOA Position: The Executive Office on Aging (EOA), an attached agency to the Department of Health (DOH) **supports HB320 HD2, SD1.**

Fiscal Implications: None

Purpose and Justification: This measure 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 more members of a supportive community. The measure also specifies the terms of a supported decision-making agreement, including access to personal information, agreement requirements, and circumstances for termination.

Supported decision-making (SDM) offers a way for older adults and individuals with disabilities to maintain their rights, dignity, and independence by making decisions about their

own lives with help from people that they trust and choose. SDM is a person-centered approach based on the wants and needs of the individual.

Too many people are unnecessarily placed under restrictive guardianships when they could make their own decisions with individualized assistance from people they trust. Additionally, when an individual obtains a guardian, it can be difficult to change their status. If passed, the bill would establish a legal framework for decision-making in the state and would encourage courts to consider SDM before establishing guardianship. SDM agreements would save time and money in probate courts by reducing the number of guardianship petitions for people who do not need them. However, SDM does not replace guardianship for those who need it. It is an additional and less restrictive option.

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

Recommendation: EOA supports this measure.

Thank you for the opportunity to testify.



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)

March 25, 2025

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

House Bill 320 HD2 SD1– Relating to Supported Decision-Making Agreements

The Disability and Communication Access Board (DCAB) supports House Bill 320 HD2 SD1 – 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 several 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.

We appreciate all the amendments incorporated in this bill that strengthens the safeguards for individuals entering supported decision-making agreements while maintaining their autonomy and decision-making rights.

House Bill 320 HD2 SD1 promotes self-determination and preserves individual rights. DCAB supports this measure to provide consistent, accessible options for those who need support in decision-making.

Thank you for considering our position.

Respectfully submitted,

KIRBY L. SHAW
Executive Director



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

March 25, 2025

The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Senator Rhoads, and Committee Members:

SUBJECT: HB320 HD2 SD1 Relating to Supported Decision-Making Agreements

The Hawaii State Council on Developmental Disabilities, on behalf of the Guardianship Conservatorship Working Group **Offering Comments HB320 HD2 SD1**, 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 more members of a supportive community. Specifies the terms of a supported decision-making agreement, including access to personal information, agreement requirements, and circumstances for termination. Effective 7/1/3000.

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 Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (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 HD2 SD1**
Sincerely,

Daintry Bartoldus
Executive Administrator



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

March 25, 2025

The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Senator Rhoads, and Committee Members:

SUBJECT: HB320 HD2 SD1 Relating to Supported Decision-Making Agreements

The Hawaii State Council on Developmental Disabilities **STRONGLY SUPPORTS HB320HD2 SD1**, 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 more members of a supportive community. Specifies the terms of a supported decision-making agreement, including access to personal information, agreement requirements, and circumstances for termination.

We greatly appreciate the previous committee's thoughtful amendments to HB320 HD2. We are especially grateful for the decision to remove language that would have automatically terminated a supported decision-making (SDM) agreement if a member of the supportive community providing assistance also served as a paid support provider.

This change is vital for individuals with intellectual and developmental disabilities (I/DD), as it ensures continuity of care and decision-making. Many individuals with I/DD have long-standing, trusted relationships with their support providers. This amendment allows them to maintain those connections, preserving the stability and understanding essential to their well-being.

By removing this restriction, the amendment upholds the autonomy of individuals with I/DD, empowering them to make informed choices about the support systems that best meet their needs.

HB320 HD2 SD1 is a progressive, rights-affirming measure that champions the right of individuals with I/DD to make decisions based on their abilities, values, and preferences—not through forced guardianship. By adopting this bill, Hawai'i will align with a growing national movement that recognizes and protects the rights of individuals with disabilities.

We respectfully request that a clean effective date be placed in.

Thank you for the opportunity to submit testimony in **strong support of HB320 HD2 SD1.**

Sincerely,



Daintry Bartoldus
Executive Administrator



March 21, 2025

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Senators Stanley Chang, Joy A. San Buenaventura, and Brenton Awa, Committee Members

RE: HB 320 RELATING TO SUPPORTED DECISION-MAKING AGREEMENTS – SUPPORT

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

I am submitting this letter in support of HB 320 on behalf of Easterseals Hawaii. Easterseals Hawaii served 2,025 Hawaii community members with intellectual and developmental disabilities (I/DD) in 2024. Our purpose is to create a more equitable world where people with I/DD can choose their own path.

Many individuals with disabilities benefit from the support of their friends, family, and other community members when making vital decisions about topics such as medical, financial, and occupational choices. Such support and consultation help disabled individuals make informed and confident choices, just as they help nondisabled individuals. This bill would enhance independence and quality of life for individuals with I/DD by creating awareness about supported decision-making (SDM) agreements and enshrining them into law without requiring guardianship, thereby allowing SDM agreements to be accepted by institutions. It would also protect the disabled individual's agency by specifying that their supportive community may advise them but should not make decisions on their behalf. This achieves a balance that permits disabled individuals to receive assistance from trusted partners without relinquishing autonomy, thereby maximizing opportunities for people to choose their own path.

Easterseals Hawaii supports HB 320 and respectfully requests your "aye" vote.

Mahalo for the opportunity to submit this letter.

A handwritten signature in black ink, appearing to read "Rachel Liebert Lewis".

Rachel Liebert Lewis
Director, Public Policy and Advocacy
Easterseals Hawaii
PublicPolicyAndAdvocacy@eshawaii.org

HB-320-SD-1

Submitted on: 3/21/2025 5:49:18 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	Written Testimony Only

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 and free up resources.



The Honorable Senator Karl Rhoads, Chair
Senate Judiciary Committee
Thirty third Legislature
State Capitol, State of Hawaii
Honolulu, Hawaii 96813

Dear Senator Rhoads, Vice Chair Gabbard, and Members of the Committee:

SUBJECT: HB320 HD2 SD1-Supported Decision Making

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members.

The Hawaii Self-Advocacy Advisory Council is in strong support of HB320 HD2 SD1.

Thank you for this opportunity to provide testimony in Support of HB320 HD2 SD1.

HB320 HD2 SD1 helps self-advocates with disabilities to make decisions that helps their lives to be lived more independently. Supported decision making helps individuals to choose someone that they trust to help them make decisions for themselves and their lives. There are financial, medical, housing, nutrition, employment, social, education and other decisions that are important to an individual's choice. Having a guardian make all the decisions for them prevents them from deciding what they want in life and live a life that they want.

It is important to individuals with disabilities because making their own decisions helps them to have hope each day and not be stuck doing things that they don't want to do.

The Hawaii Self-advocacy advisory council strongly supports HB320 HD2 SD1.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Renken", written in a cursive style.

Timothy Renken,

Hawaii Self Advocacy Advisory council President



e-mail: zosimo.arista@doh.hawaii.gov SCDD website: <http://hiddcouncil.org/> HISAAC website: <http://hisaac.org/>

One Vision - One Voice
SUPPORTING ADVOCACY, INDEPENDENCE AND CHOICE
1010 RICHARDS STREET, #122, HONOLULU, HAWAII 96813 TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
www.hisaac.org 501(c)3: 26-1795965

HB-320-SD-1

Submitted on: 3/24/2025 8:15:04 AM

Testimony for JDC on 3/25/2025 10:01:00 AM

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

Comments:

Dear Chair Rhoads, Vice Chair Gabbard and Committee Members,

Full Life strongly supports HB320 HD2 SD1, allowing adults with intellectual/developmental disabilities (I/DD) to enter into supported decision-making agreements. This is an essential option for those who do not require more restrictive guardianship or conservatorship. Supported decision-making agreements give people with I/DD 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 HD2 SD1.

Sincerely,

Jim Kilgore

Executive Director, Full Life

HB-320-SD-1

Submitted on: 3/24/2025 8:17:39 AM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
suzie	Testifying for Arc of Maui County	Support	Written Testimony Only

Comments:

Hearing Testimony, HB320-Supported Decision Making

THE SENATE

THE THIRTY-THIRD LEGISLATURE

REGULAR SESSION OF 2025

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members.

My name is Suzie Holtzman__.

Thank you for this opportunity to provide testimony in Support of ____HB320 HD2 SD1_____.

I am a self-advocate from Arc of Maui County_____.

HB320 HD2 SD1 will help me to make decisions that help me live my life more independently. Supported decision making helps me to choose someone I trust to help me make decisions for myself and my life. Having a guardian make all the decisions for me prevents me from deciding what I want in life and live a life that I want.

It is important to me because making my own decisions helps me to have hope each day and not be stuck doing things that I don't want to do.

I support HB320 HD2 SD1.

1. you for allowing me to speak.

THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2025

The Honorable Senator Rhoads, Chair
Committee on Judiciary
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Aloha Chair Senator Rhoads, Vice Chair and Committee Members.
HB320 HD2 SD1 Testimony in support

I am in strong support of HB320 HD2 SD1 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 more members of a supportive community.

My name is Deziree Tacub and I am in support of HB320 HD2 SD1 because I have a developmental disability and I was forced to have a guardian with the court. I think supported decision making would be a better choice for me. I could choose the person who can help support me in the decisions I need to make. I would have a better relationship with the person I choose and feel confident that they are supporting me to make the choices that I want. I think HB320 HD2 SD1 would give me the most freedom to choose the right person to help me make hard choices.

Thank you for allowing me to testify in support of HB320 HD2 SD1.

HB-320-SD-1

Submitted on: 3/23/2025 12:19:55 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Zahava Zaidoff	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and member of the committee,

Mahalo for hearing this bill.

As a disabled person and as an advocate for others, I can tell you that codifying supported decision making agreements is imperative to disabled people having the right to self determination.

All humans require support from others in their lives, and disabled people are no different.

Passing this bill will ensure that guardianship is not the only viable option for disabled people and it will allow our wants, needs, preferences, and autonomy to remain in tact.

I stand in strong support of this bill, specifically with the amendment that passed which removed the requirement that paid supporters not be allowed to enter into supportive decision-making agreements.

This bill is a step in the direction of dismantling the systemic ableism that permeates all of our systems of government.

Mahalo for standing up for our rights. Nothing about us, without us.

Zahava "Zee" Zaidoff

HB-320-SD-1

Submitted on: 3/23/2025 8:11:04 PM

Testimony for JDC on 3/25/2025 10:01:00 AM

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

Comments:

Written Testimony in Support of H.B. 320

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

THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2025

The Honorable Senator Rhoads, Chair
Committee on Judiciary
The Thirty-Third Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Aloha Chair Senator Rhoads, Vice Chair and Committee Members.
HB320 HD2 SD1 Testimony in support

I am in strong support of HB320 HD2 SD1 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 more members of a supportive community.

My name is Kylie Moniz. I am from Kauai, and I am a self-advocate. HB320 is important to me because I like to make my own choices. I don't often need help to make choices but when I do for my health, it is important to me that I know and trust the person who is helping me.

Thank you for allowing me to testify in support of HB320 HD2 SD1.

HB-320-SD-1

Submitted on: 3/24/2025 10:39:09 AM

Testimony for JDC on 3/25/2025 10:01:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Ada McFeely	Individual	Support	Written Testimony Only

Comments:

Dear Chair Rhodes,

My name is Ada and I live alone in The Arc apt in Pearl City and I support people with disabilities to make their own decisions when they can. Sometimes I need help and will ask, but most times I can make my own decision.

Thank you

ada

HB-320-SD-1

Submitted on: 3/24/2025 10:46:13 AM

Testimony for JDC on 3/25/2025 10:01:00 AM

LATE

Submitted By	Organization	Testifier Position	Testify
Herman Kiili	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Rhodes,

My name is Herman Kiili and I am in strong support of HB320. I live in a group home and do need support with some things. But I can make my own decision for most things. I am lucky because I have people who support me to make my own decisions. Some of my friends, they do not get to, they have a guardian and are told no. I feel bad for them and try to help. Please pass this so my friends are allowed and supported to make some of their own decisions.

Mahalo, Herman

LATE

HB-320-SD-1

Submitted on: 3/25/2025 8:38:29 AM

Testimony for JDC on 3/25/2025 10:01:00 AM

Submitted By	Organization	Testifier Position	Testify
Kaili	Individual	Support	Written Testimony Only

Comments:

Hearing Testimony, HB320-Supported Decision Making

THE SENATE

THE THIRTY-THIRD LEGISLATURE

REGULAR SESSION OF 2025

Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Aloha Chair Rhoads, Vice Chair Gabbard and Committee Members.

My name is Kaili Swan.

Thank you for this opportunity to provide testimony in Support of HB320 HD2 SD1.

I am a self-advocate from the Hawaii Self-Advocacy Advisory Council.

HB320 HD2 SD1 will help me to make decisions that help me live my life more independently. Supported decision making helps me to choose someone I trust to help me make decisions for myself and my life. Having my mom as my guardian make all the decisions for me prevents me from deciding what I want in life and live a life that I want.

It is important to me because making my own decisions helps me to have hope each day and not be stuck doing things that I don't want to do.

I support HB320 HD2 SD1.