

ACT 130

H.B. NO. 837

A Bill for an Act Relating to the Developmentally Disabled.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and purpose. The legislature finds that Section 333F-16, Hawaii Revised Statutes, includes a technical fault, which negates the intent of the legislature and existing policy of the department of health in regard to voluntary readmittance of previous residents of the institution to the Waimano training school and hospital. It is the purpose of this Act to correct the technical fault in the section. It is not the intent of the legislature to create a presumption that all persons committed to Waimano training school and hospital were properly committed.

SECTION 2. Section 333F-16, Hawaii Revised Statutes, is amended to read as follows:

“[§333F-16] Effect on prior commitments. [Persons committed to Waimano training school and hospital prior to July 1, 1987, shall remain wards of the director, and the] The director is hereby granted the power to voluntarily [admit such] readmit persons previously admitted to Waimano training school and hospital. [These persons shall be deemed to have met] Persons readmitted shall meet the criteria for admission under this chapter. Any parent or other interested person may petition the family court for removal of the director as guardian of the person of any person committed to Waimano training school and hospital [on July 1, 1987,] under section 560:5-307. If the person is a minor, a parent, guardian, or other person or agency having legal custody may request that the minor be readmitted upon written application to the director. If the person is an adult, the person or guardian of the person may request that the adult person be readmitted upon written application to the director.”

SECTION 3. Section 560:5-601, Hawaii Revised Statutes, is amended by amending the definition of “Ward” to read as follows:

“ “Ward” means an incapacitated person for whom [the family court has appointed, pursuant to sections 560:5-303,¹ and 560:5-304,] a guardian of the person [of the incapacitated person] has been appointed and who, because of the terms of the [family court’s order of] appointment of the guardian, lacks the legal power to consent to sterilization.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 7, 1989.)

Note

1. So in original.