

ACT 298

S.B. NO. 896

A Bill for an Act Relating to Guardianship Proceedings.

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

SECTION 1. Section 560:5-309, Hawaii Revised Statutes, is amended by amending subsections (b) and (c) to read as follows:

“(b) Notice shall be served personally on the alleged incapacitated person, the person’s spouse or reciprocal beneficiary, the person’s legal parents, and the person’s adult children, if they can be found within the State. Notice to [such] any of those who cannot be found within the State and to all other persons except the alleged incapacitated person shall be given as provided in section 560:1-401. For good cause, the court may waive notice to any person in subsection (a)(1) or (3), other than the ward, upon a showing that all reasonable efforts have been made to ascertain the identity and address of the person or to effect notice, that the efforts were unsuccessful, and that further efforts should not be required because that person has not demonstrated a reasonable degree of interest or concern in the

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subject. Waiver of notice by the person alleged to be incapacitated is not effective unless the person attends the hearing or the person's waiver of notice is confirmed in an interview with the individual sent by the family court to interview the person. Except as provided in section 560:5-303, representation of the alleged incapacitated person by a guardian ad litem is not necessary.

(c) Grandparents shall be notified in all proceedings involving minors. For good cause, the court may waive notice to a grandparent upon a showing that all reasonable efforts have been made to ascertain the identity and address of the person or to effect notice, that the efforts were unsuccessful, and that further efforts should not be required because that person has not demonstrated a reasonable degree of interest or concern in the subject."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 1999.

(Approved July 6, 1999.)