



1 "Guardian" means a person appointed by the court to make  
2 decisions regarding the person of an adult, including a person  
3 appointed under article V.

4 "Guardianship order" means an order appointing a guardian.

5 "Guardianship proceeding" means a judicial proceeding in  
6 which an order for the appointment of a guardian is sought or  
7 has been issued.

8 "Incapacitated person" means an adult for whom a guardian  
9 has been appointed.

10 "Party" means the respondent, petitioner, guardian,  
11 conservator, or any other person allowed by the court to  
12 participate in a guardianship or protective proceeding.

13 "Person" except in the term incapacitated person or  
14 protected person, means an individual, corporation, business  
15 trust, estate, trust, partnership, limited liability company,  
16 association, joint venture, public corporation, government or  
17 governmental subdivision, agency, or instrumentality, or any  
18 other legal or commercial entity.

19 "Protected person" means an adult for whom a protective  
20 order has been issued.

21 "Protective order" means an order appointing a conservator  
22 or other order related to management of an adult's property.

1 "Protective proceeding" means a judicial proceeding in  
2 which a protective order is sought or has been issued.

3 "Record" means information that is inscribed on a tangible  
4 medium or that is stored in an electronic or other medium and is  
5 retrievable in perceivable form.

6 "Respondent" means an adult for whom a protective order or  
7 the appointment of a guardian is sought.

8 "State" means a state of the United States, the District of  
9 Columbia, Puerto Rico, the United States Virgin Islands, a  
10 federally recognized Indian tribe, or any territory or insular  
11 possession subject to the jurisdiction of the United States.

12 **§560: -103 International application of article.** A court  
13 of this State may treat a foreign country as if it were a state  
14 for the purpose of applying this article and parts 2, 3, and 5.

15 **§560: -104 Communication between courts.** (a) A court of  
16 this State may communicate with a court in another state  
17 concerning a proceeding arising under this article. The court  
18 may allow the parties to participate in the communication.  
19 Except as otherwise provided in subsection (b), the court shall  
20 make a record of the communication. The record may be limited  
21 to the fact that the communication occurred.

1 (b) Courts may communicate concerning schedules,  
2 calendars, court records, and other administrative matters  
3 without making a record.

4 **§560: -105 Cooperation between courts.** (a) In a  
5 guardianship or protective proceeding in this State, a court of  
6 this State may request the appropriate court of another state to  
7 do any of the following:

- 8 (1) Hold an evidentiary hearing;
- 9 (2) Order a person in that state to produce evidence or  
10 give testimony pursuant to procedures of that state;
- 11 (3) Order that an evaluation or assessment be made of the  
12 respondent;
- 13 (4) Order any appropriate investigation of a person  
14 involved in a proceeding;
- 15 (5) Forward to the court of this State a certified copy of  
16 the transcript or other record of a hearing under  
17 paragraph (1) or any other proceeding, any evidence  
18 otherwise produced under paragraph (2), and any  
19 evaluation or assessment prepared in compliance with  
20 an order under paragraph (3) or (4);
- 21 (6) Issue any order necessary to assure the appearance in  
22 the proceeding of a person whose presence is necessary

1 for the court to make a determination, including the  
2 respondent or the incapacitated or protected person;  
3 or

4 (7) Issue an order authorizing the release of medical,  
5 financial, criminal, or other relevant information in  
6 that state, including protected health information as  
7 defined in 45 Code of Federal Regulations Section  
8 164.501 on July 1, 2011.

9 (b) If a court of another state in which a guardianship or  
10 protective proceeding is pending requests assistance of the kind  
11 provided in subsection (a), a court of this State has  
12 jurisdiction for the limited purpose of granting the request or  
13 making reasonable efforts to comply with the request.

14 **§560: -106 Taking testimony in another state.** (a) In a  
15 guardianship or protective proceeding, in addition to other  
16 procedures that may be available, testimony of a witness who is  
17 located in another state may be offered by deposition or other  
18 means allowable in this State for testimony taken in another  
19 state. The court on its own motion may order that the testimony  
20 of a witness be taken in another state and may prescribe the  
21 manner in which and the terms upon which the testimony is to be  
22 taken.

1 (b) In a guardianship or protective proceeding, a court in  
2 this State may permit a witness located in another state to be  
3 deposed or to testify by telephone or audiovisual or other  
4 electronic means. A court of this State shall cooperate with  
5 the court of the other state in designating an appropriate  
6 location for the deposition or testimony.

7 **PART II. JURISDICTION**

8 **§560: -201 Definitions.** In this part:

9 "Emergency" means a circumstance that likely will result in  
10 substantial harm to a respondent's health, safety, or welfare,  
11 and for which the appointment of a guardian is necessary because  
12 no other person has authority and is willing to act on the  
13 respondent's behalf.

14 "Home state" means the state in which the respondent was  
15 physically present, including any period of temporary absence,  
16 for at least six consecutive months immediately before the  
17 filing of a petition for a protective order or the appointment  
18 of a guardian; or if none, the state in which the respondent was  
19 physically present, including any period of temporary absence,  
20 for at least six consecutive months ending within the six months  
21 prior to the filing of the petition.

1 "Significant-connection state" means a state, other than  
2 the home state, with which a respondent has a significant  
3 connection other than mere physical presence and in which  
4 substantial evidence concerning the respondent is available.

5 **§560: -202 Significant connection factors.** In  
6 determining under sections 560:5A-204 and 560:5A-301(e) whether  
7 a respondent has a significant connection with a particular  
8 state, the court shall consider:

- 9 (1) The location of the respondent's family and other  
10 persons required to be notified of the guardianship or  
11 protective proceeding;
- 12 (2) The length of time the respondent at any time was  
13 physically present in the state and the duration of  
14 any absence;
- 15 (3) The location of the respondent's property; and
- 16 (4) The extent to which the respondent has ties to the  
17 state such as voting registration, state or local tax  
18 return filing, vehicle registration, driver's license,  
19 social relationship, and receipt of services.

20 **§560: -203 Exclusive basis.** This part provides the  
21 exclusive jurisdictional basis for a court of this State to  
22 appoint a guardian or issue a protective order for an adult.

1           **§560: -204 Jurisdiction.** A court of this State has  
2 jurisdiction to appoint a guardian or issue a protective order  
3 for a respondent if:

4           (1) This State is the respondent's home state;

5           (2) On the date the petition is filed, this State is a  
6 significant-connection state and:

7           (A) The respondent does not have a home state or a  
8 court of the respondent's home state has declined  
9 to exercise jurisdiction because this State is a  
10 more appropriate forum; or

11           (B) The respondent has a home state, a petition for  
12 an appointment or order is not pending in a court  
13 of that state or another significant-connection  
14 state, and, before the court of this State makes  
15 the appointment or issues the order:

16           (i) A petition for an appointment or order is  
17 not filed in the respondent's home state;

18           (ii) An objection to the court's jurisdiction is  
19 not filed by a person required to be  
20 notified of the proceeding; and



1           (iii)     The court in this State concludes that it is  
2                     an appropriate forum under the factors set  
3                     forth in section 560:5A-207;

4           (3)     This State does not have jurisdiction under either  
5                     paragraph (1) or (2), the respondent's home state and  
6                     all significant-connection states have declined to  
7                     exercise jurisdiction because this State is the more  
8                     appropriate forum, and jurisdiction in this State is  
9                     consistent with the constitutions of this State and  
10                    the United States; or

11          (4)     The requirements for special jurisdiction under  
12                     section 560:5A-205 are met.

13          **§560: -205 Special jurisdiction.**   (a)   A court of this  
14     State lacking jurisdiction under section 560:5A-203(1) through  
15     (3) has special jurisdiction to do any of the following:

16           (1)     Appoint a guardian in an emergency for a term not  
17                     exceeding ninety days for a respondent who is  
18                     physically present in this State;

19           (2)     Issue a protective order with respect to real or  
20                     tangible personal property located in this State; or

21           (3)     Appoint a guardian or conservator for an incapacitated  
22                     or protected person for whom a provisional order to

1 transfer the proceeding from another state has been  
2 issued under procedures similar to section 560:5A-301.

3 (b) If a petition for the appointment of a guardian in an  
4 emergency is brought in this State and this State was not the  
5 respondent's home state on the date the petition was filed, the  
6 court shall dismiss the proceeding at the request of the court  
7 of the home state, if any, whether dismissal is requested before  
8 or after the emergency appointment.

9 **§560: -206 Exclusive and continuing jurisdiction.** Except  
10 as otherwise provided in section 560:5A-205, a court that has  
11 appointed a guardian or issued a protective order consistent  
12 with this chapter has exclusive and continuing jurisdiction over  
13 the proceeding until it is terminated by the court or the  
14 appointment or order expires by its own terms.

15 **§560: -207 Appropriate forum.** (a) A court of this State  
16 having jurisdiction under section 560:5A-204 to appoint a  
17 guardian or issue a protective order may decline to exercise its  
18 jurisdiction if it determines at any time that a court of  
19 another state is a more appropriate forum.

20 (b) If a court of this State declines to exercise its  
21 jurisdiction under subsection (a), it shall either dismiss or  
22 stay the proceeding. The court may impose any condition the

1 court considers just and proper, including the condition that a  
2 petition for the appointment of a guardian or issuance of a  
3 protective order be filed promptly in another state.

4 (c) In determining whether it is an appropriate forum, the  
5 court shall consider all relevant factors, including:

6 (1) Any expressed preference of the respondent;

7 (2) Whether abuse, neglect, or exploitation of the  
8 respondent has occurred or is likely to occur and  
9 which state could best protect the respondent from the  
10 abuse, neglect, or exploitation;

11 (3) The length of time the respondent was physically  
12 present in or was a legal resident of this or another  
13 state;

14 (4) The distance of the respondent from the court in each  
15 state;

16 (5) The financial circumstances of the respondent's  
17 estate;

18 (6) The nature and location of the evidence;

19 (7) The ability of the court in each state to decide the  
20 issue expeditiously and the procedures necessary to  
21 present evidence;

1 (8) The familiarity of the court of each state with the  
2 facts and issues in the proceeding; and

3 (9) If an appointment were made, the court's ability to  
4 monitor the conduct of the guardian or conservator.

5 **§560: -208 Jurisdiction declined by reason of conduct.**

6 (a) If at any time a court of this State determines that it  
7 acquired jurisdiction to appoint a guardian or issue a  
8 protective order because of unjustifiable conduct, the court  
9 may:

10 (1) Decline to exercise jurisdiction;

11 (2) Exercise jurisdiction for the limited purpose of  
12 fashioning an appropriate remedy to ensure the health,  
13 safety, and welfare of the respondent or the  
14 protection of the respondent's property or prevent a  
15 repetition of the unjustifiable conduct, including  
16 staying the proceeding until a petition for the  
17 appointment of a guardian or issuance of a protective  
18 order is filed in a court of another state having  
19 jurisdiction; or

20 (3) Continue to exercise jurisdiction after considering:

21 (A) The extent to which the respondent and all  
22 persons required to be notified of the

1 proceedings have acquiesced in the exercise of  
2 the court's jurisdiction;

3 (B) Whether it is a more appropriate forum than the  
4 court of any other state under the factors set  
5 forth in section 560:5A-207(c); and

6 (C) Whether the court of any other state would have  
7 jurisdiction under factual circumstances in  
8 substantial conformity with the jurisdictional  
9 standards of section 560:5A-204.

10 (b) If a court of this State determines that it acquired  
11 jurisdiction to appoint a guardian or issue a protective order  
12 because a party seeking to invoke its jurisdiction engaged in  
13 unjustifiable conduct, it may assess against that party  
14 necessary and reasonable expenses, including attorney's fees,  
15 investigative fees, court costs, communication expenses, witness  
16 fees and expenses, and travel expenses. The court may not  
17 assess fees, costs, or expenses of any kind against this State  
18 or a governmental subdivision, agency, or instrumentality of  
19 this State unless authorized by law other than this chapter.

20 **§560: -209 Notice of proceeding.** If a petition for the  
21 appointment of a guardian or issuance of a protective order is  
22 brought in this State and this State was not the respondent's

1 home state on the date the petition was filed, in addition to  
2 complying with the notice requirements of this State, notice of  
3 the petition must be given to those persons who would be  
4 entitled to notice of the petition if a proceeding were brought  
5 in the respondent's home state. The notice must be given in the  
6 same manner as notice is required to be given in this State.

7       **§560: -210 Proceedings in more than one state.** Except  
8 for a petition for the appointment of a guardian in an emergency  
9 or issuance of a protective order limited to property located in  
10 this State under section 560:5A-205(a)(1) or (2), if a petition  
11 for the appointment of a guardian or issuance of a protective  
12 order is filed in this State and in another state and neither  
13 petition has been dismissed or withdrawn, the following rules  
14 apply:

15       (1) If the court in this State has jurisdiction under  
16 section 560:5A-204, it may proceed with the case  
17 unless a court in another state acquires jurisdiction  
18 under provisions similar to section 560:5A-204 before  
19 the appointment or issuance of the order; and

20       (2) If the court in this State does not have jurisdiction  
21 under section 560:5A-204, whether at the time the  
22 petition is filed or at any time before the

1 appointment or issuance of the order, the court shall  
2 stay the proceeding and communicate with the court in  
3 the other state. If the court in the other state has  
4 jurisdiction, the court in this State shall dismiss  
5 the petition unless the court in the other state  
6 determines that the court in this State is a more  
7 appropriate forum.

8 **PART III. TRANSFER OF**

9 **GUARDIANSHIP OR CONSERVATORSHIP**

10 **§560: -301 Transfer of guardianship or conservatorship to**  
11 **another state.** (a) A guardian or conservator appointed in this  
12 State may petition the court to transfer the guardianship or  
13 conservatorship to another state.

14 (b) Notice of a petition under subsection (a) must be  
15 given to the persons that would be entitled to notice of a  
16 petition in this State for the appointment of a guardian or  
17 conservator.

18 (c) On the court's own motion or on request of the  
19 guardian or conservator, the incapacitated or protected person,  
20 or other person required to be notified of the petition, the  
21 court shall hold a hearing on a petition filed pursuant to  
22 subsection (a).

1 (d) The court shall issue an order provisionally granting  
2 a petition to transfer a guardianship and shall direct the  
3 guardian to petition for guardianship in the other state if the  
4 court is satisfied that the guardianship will be accepted by the  
5 court in the other state and the court finds that:

6 (1) The incapacitated person is physically present in or  
7 is reasonably expected to move permanently to the  
8 other state;

9 (2) An objection to the transfer has not been made or, if  
10 an objection has been made, the objector has not  
11 established that the transfer would be contrary to the  
12 interests of the incapacitated person; and

13 (3) Plans for care and services for the incapacitated  
14 person in the other state are reasonable and  
15 sufficient.

16 (e) The court shall issue a provisional order granting a  
17 petition to transfer a conservatorship and shall direct the  
18 conservator to petition for conservatorship in the other state  
19 if the court is satisfied that the conservatorship will be  
20 accepted by the court of the other state and the court finds  
21 that:



- 1 (1) The protected person is physically present in or is  
2 reasonably expected to move permanently to the other  
3 state, or the protected person has a significant  
4 connection to the other state considering the factors  
5 in section 560:5A-202;
- 6 (2) An objection to the transfer has not been made or, if  
7 an objection has been made, the objector has not  
8 established that the transfer would be contrary to the  
9 interests of the protected person; and
- 10 (3) Adequate arrangements will be made for management of  
11 the protected person's property.
- 12 (f) The court shall issue a final order confirming the  
13 transfer and terminating the guardianship or conservatorship  
14 upon its receipt of:
- 15 (1) A provisional order accepting the proceeding from the  
16 court to which the proceeding is to be transferred  
17 which is issued under provisions similar to  
18 section 560:5A-302; and
- 19 (2) The documents required to terminate a guardianship or  
20 conservatorship in this State.

21 **§560: -302 Accepting guardianship or conservatorship**

22 **transferred from another state.** (a) To confirm transfer of a

1 guardianship or conservatorship transferred to this State under  
2 provisions similar to section 560:5A-301, the guardian or  
3 conservator shall petition the court in this State to accept the  
4 guardianship or conservatorship. The petition shall include a  
5 certified copy of the other state's provisional order of  
6 transfer.

7 (b) Notice of a petition under subsection (a) shall be  
8 given to those persons that would be entitled to notice if the  
9 petition were a petition for the appointment of a guardian or  
10 issuance of a protective order in both the transferring state  
11 and this State. The notice shall be given in the same manner as  
12 notice is required to be given in this State.

13 (c) On the court's own motion or on request of the  
14 guardian or conservator, the incapacitated or protected person,  
15 or other person required to be notified of the proceeding, the  
16 court shall hold a hearing on a petition filed pursuant to  
17 subsection (a).

18 (d) The court shall issue an order provisionally granting  
19 a petition filed under subsection (a) unless:

20 (1) An objection is made and the objector establishes that  
21 transfer of the proceeding would be contrary to the  
22 interests of the incapacitated or protected person; or

1           (2) The guardian or conservator is ineligible for  
2           appointment in this State.

3           (e) The court shall issue a final order accepting the  
4 proceeding and appointing the guardian or conservator as  
5 guardian or conservator in this State upon its receipt from the  
6 court from which the proceeding is being transferred of a final  
7 order issued under provisions similar to section 560:5A-301  
8 transferring the proceeding to this State.

9           (f) Not later than ninety days after issuance of a final  
10 order accepting transfer of a guardianship or conservatorship,  
11 the court shall determine whether the guardianship or  
12 conservatorship needs to be modified to conform to the law of  
13 this State.

14           (g) In granting a petition under this section, the court  
15 shall recognize a guardianship or conservatorship order from the  
16 other state, including the determination of the incapacitated or  
17 protected person's incapacity and the appointment of the  
18 guardian or conservator.

19           (h) The denial by a court of this State of a petition to  
20 accept a guardianship or conservatorship transferred from  
21 another state does not affect the ability of the guardian or  
22 conservator to seek appointment as guardian or conservator in

1 this State under article V if the court has jurisdiction to make  
2 an appointment other than by reason of the provisional order of  
3 transfer.

4 **PART IV. MISCELLANEOUS PROVISIONS**

5 **§560: -401 Relating to Electronic Signatures in Global**  
6 **and National Commerce Act.** This chapter modifies, limits, and  
7 supersedes the federal Electronic Signatures in Global and  
8 National Commerce Act, 15 United States Code Section 7001, et  
9 seq., but does not modify, limit, or supersede Section 101(c) of  
10 that Act, 15 United States Code Section 7001(c), or authorize  
11 electronic delivery of any of the notices described in Section  
12 103(b) of that Act, 15 United States Code Section 7003(b).

13 **§560: -402 Transitional provision.** (a) This chapter  
14 applies to guardianship and protective proceedings begun on or  
15 after July 1, 2011.

16 (b) Parts 1 and 3 and sections 560:5-A, 560:5-B, 560:5-  
17 432, 560:5-433, and 560:5A-401 apply to proceedings begun before  
18 July 1, 2011, regardless of whether a guardianship or protective  
19 order has been issued."

20 SECTION 2. Chapter 560, Hawaii Revised Statutes, is  
21 amended by adding a new section to part 3 of article V to be  
22 appropriately designated and to read as follows:

HB2248 HD1.DOC  
\*HB2248 HD1.DOC\*  
\*HB2248 HD1.DOC\*

1        "§560:5-    Effect of registration.    (a)   Upon registration  
2 of a guardianship from another state, the guardian may exercise  
3 in this State all powers authorized in the order of appointment  
4 except as prohibited under the laws of this State, including  
5 maintaining actions and proceedings in this State and, if the  
6 guardian is not a resident of this State, subject to any  
7 conditions imposed upon nonresident parties.

8        (b)   A court of this State may grant any relief available  
9 under article    and other law of this State to enforce a  
10 registered order."

11        SECTION 3. Chapter 560, Hawaii Revised Statutes, is  
12 amended by adding three new sections to part 4 of article V to  
13 be appropriately designated and to read as follows:

14        "§560:5-    Effect of registration.    (a)   Upon registration  
15 of a protective order from another state, the conservator may  
16 exercise in this State all powers authorized in the order of  
17 appointment except as prohibited under the laws of this State,  
18 including maintaining actions and proceedings in this State and,  
19 if the conservator is not a resident of this State, subject to  
20 any conditions imposed upon nonresident parties.

1        (b) A court of this State may grant any relief available  
2 under article VA and other law of this State to enforce a  
3 registered order.

4        §560:5-     **Registration of guardianship orders.**     If a  
5 guardian has been appointed in another state and a petition for  
6 the appointment of a guardian is not pending in this State, the  
7 guardian appointed in the other state, after giving notice to  
8 the appointing court of an intent to register, may register the  
9 guardianship order in this State by filing as a foreign judgment  
10 in a court, in any appropriate circuit of this State, certified  
11 copies of the order and letters of office.

12       §560:5-     **Registration of protective orders.**     If a  
13 conservator has been appointed in another state and a petition  
14 for a protective order is not pending in this State, the  
15 conservator appointed in the other state, after giving notice to  
16 the appointing court of an intent to register, may register the  
17 protective order in this State by filing as a foreign judgment  
18 in a court of this State, in any circuit in which property  
19 belonging to the protected person is located, certified copies  
20 of the order and letters of office and of any bond."

21       SECTION 4. Section 560:5-106, Hawaii Revised Statutes, is  
22 amended to read as follows:

HB2248 HD1.DOC  
\*HB2248 HD1.DOC\*  
\*HB2248 HD1.DOC\*

1           "**§560:5-106 Subject matter jurisdiction.** This article  
2 applies to~~[, and the court has jurisdiction over,]~~ guardianship  
3 and ~~[related proceedings for individuals domiciled or present in~~  
4 ~~this State,]~~ protective proceedings for individuals ~~[domiciled~~  
5 ~~in or having property located in this State,]~~ over whom the  
6 court has jurisdiction, and property coming into the control of  
7 a guardian or conservator who is subject to the laws of this  
8 State.

9           (1) Circuit court jurisdiction. The circuit court shall  
10 have concurrent jurisdiction over guardianships and  
11 related proceedings concerning incapacitated adults.  
12 The circuit court shall not have jurisdiction over  
13 guardianships and related proceedings concerning  
14 minors. The circuit court shall have exclusive  
15 jurisdiction over conservatorship proceedings and  
16 those proceedings under part 4 of this article, for  
17 both adults and minors;

18           (2) Family court jurisdiction. The family court shall  
19 have exclusive jurisdiction over guardianships and  
20 related proceedings concerning minors and concurrent  
21 jurisdiction over guardianship and related proceedings  
22 concerning incapacitated adults. The family court

1 shall have exclusive jurisdiction over guardianship  
2 proceedings concerning minors, regardless of whether  
3 the proceeding is based upon the minor's age or the  
4 minor's status as an incapacitated person; and

5 (3) Consolidation of proceedings regarding same person.

6 Where protective and guardianship proceedings relating  
7 to the same person have been initiated, they may be  
8 consolidated in the court as the court in the exercise  
9 of its discretion shall determine."

10 SECTION 5. Section 560:5-107, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§560:5-107 Transfer of jurisdiction.** [~~a~~] Except for a  
13 guardianship or protective proceeding for an adult individual  
14 that is subject to the transfer provisions of part 3 of article  
15 VA:

16 (1) After the appointment of a guardian or conservator or  
17 entry of any other protective order, the court making  
18 the appointment or entering the order may transfer the  
19 proceeding to a court in another circuit in this State  
20 or to another state if the court is satisfied that a  
21 transfer will serve the best interest of the ward or  
22 protected person[~~er~~]:



1     ~~(b)~~     (2)    If a guardianship or protective proceeding is  
2                    pending in another state or a foreign country and a  
3                    petition for guardianship or protective proceeding is  
4                    filed in a court in this State, the court in this  
5                    State shall notify the original court and, after  
6                    consultation with the original court, assume or  
7                    decline jurisdiction, whichever is in the best  
8                    interest of the ward or protected person~~(-)~~; and  
9     ~~(e)~~     (3)    A guardian, conservator, or like fiduciary  
10                   appointed in another state may petition the court for  
11                   appointment as a guardian or conservator in this State  
12                   if venue in this State is or will be established. The  
13                   appointment may be made upon proof of appointment in  
14                   the other state and presentation of a certified copy  
15                   of the portion of the court record in the other state  
16                   specified by the court in this State. Notice of  
17                   hearing on the petition, together with a copy of the  
18                   petition, shall be given to the ward or protected  
19                   person, if the ward or protected person has attained  
20                   fourteen years of age, and to the persons who would be  
21                   entitled to notice if the regular procedures for  
22                   appointment of a guardian or conservator under this

1 article were applicable. The court shall make the  
2 appointment in this State unless it concludes that the  
3 appointment would not be in the best interest of the  
4 ward or protected person. Upon the filing of an  
5 acceptance of office and any required bond, the court  
6 shall issue appropriate letters of guardianship or  
7 conservatorship. Within fourteen days after an  
8 appointment, the guardian or conservator shall send or  
9 deliver a copy of the order of appointment to the ward  
10 or protected person, if the ward or protected person  
11 has attained fourteen years of age, and to all persons  
12 given notice of the hearing on the petition."

13 SECTION 6. Section 560:5-432, Hawaii Revised Statutes, is  
14 repealed.

15 [~~"§560:5-432 Payment of debt and delivery of property to~~  
16 ~~foreign conservator without local proceeding.~~ (a) A person who  
17 is indebted to, or has the possession of tangible or intangible  
18 property of a protected person, may pay the debt or deliver the  
19 property to a foreign conservator, guardian of the estate, or  
20 other court-appointed fiduciary of the state of residence of the  
21 protected person. Payment or delivery shall be made only upon  
22 proof of appointment and presentation of an affidavit made by or

1 ~~on behalf of the fiduciary stating that a protective proceeding~~  
2 ~~relating to the protected person is not pending in this State~~  
3 ~~and the foreign fiduciary is entitled to payment or to receive~~  
4 ~~delivery.~~

5 ~~(b) Payment or delivery in accordance with subsection (a)~~  
6 ~~discharges the debtor or possessor, absent knowledge of any~~  
7 ~~protective proceeding pending in this State." ]~~

8 SECTION 7. Section 560:5-433, Hawaii Revised Statutes, is  
9 repealed.

10 [~~"§560:5-433 Foreign conservator; proof of authority;~~  
11 ~~bond; powers. If a conservator has not been appointed in this~~  
12 ~~State and a petition in a protective proceeding is not pending~~  
13 ~~in this State, a conservator appointed in the state in which the~~  
14 ~~protected person resides may file in a court of this State, in a~~  
15 ~~circuit in which property belonging to the protected person is~~  
16 ~~located, authenticated copies of letters of appointment and of~~  
17 ~~any bond. Thereafter, the conservator may exercise all powers~~  
18 ~~of a conservator appointed in this State as to property in this~~  
19 ~~State and may maintain actions and proceedings in this State~~  
20 ~~subject to any conditions otherwise imposed upon nonresident~~  
21 ~~parties." ]~~

1 SECTION 8. In codifying the new sections added by section  
2 2 of this Act, the revisor of statutes shall substitute  
3 appropriate section numbers for the letters used in designating  
4 the new sections in this Act.

5 SECTION 9. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 10. This Act shall take effect on December 21,  
8 2058.

**Report Title:**

Uniform Adult Guardianship and Protective Proceedings  
Jurisdiction Act

**Description:**

Establishes rules to determine which state has jurisdiction in guardianship and conservatorship cases where person has contacts with more than one state. Effective December 21, 2058. (HB2248 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*