

STAND. COM. REP. NO. 2082

Honolulu, Hawaii

FEB 09 2012

RE: S.B. No. 2318
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2318 entitled:

"A BILL FOR AN ACT RELATING TO ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Adopt the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, to ensure that only one state has jurisdiction at any one time in adult guardianship cases and protective proceedings;
- (2) Adopt guidelines to specify which court has jurisdiction to appoint a guardian or conservator for an incapacitated adult; and
- (3) Prioritize the states that may claim jurisdiction.

Your Committee received testimony in support of this measure from the Alzheimer's Association - Aloha Chapter; Child and Family Service; and the Commission to Promote Uniform Legislation. Your Committee received comments on this measure from the Judiciary of the State of Hawaii.

Your Committee finds that the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act will provide uniformity and reduce conflicts among the states. The Act deals primarily



with jurisdictional, transfer, and enforcement issues relating to adult guardianships and protective proceedings. To date, approximately thirty jurisdictions including the District of Columbia have adopted the Act, and four others, including Hawaii, are considering its adoption.

Your Committee notes the concern expressed by the Judiciary that this measure may not be necessary and may subject families and guardians to increased complexity and procedures. According to the Judiciary, families are currently able to seek guardianship for challenged minors before they turn eighteen, which provides seamless protection after the minor reaches the age of majority. This measure, as currently drafted, appears to not allow this protection as "incapacitated person" is defined as an adult. Your Committee further notes the Judiciary's concern with regard to the measure's potential negative impact on the Judiciary's operations. Your Committee recognizes that this measure would require changes to court policies, procedures, and rules and in light of the budget shortages caused by the current economic downturn, the additional work required pursuant to this measure would consume valuable and limited Judiciary staff resources.

Your Committee has therefore amended this measure by:

- (1) Changing the effective date to July 1, 2014, and encouraging the Judiciary and the Commission to Promote Uniform Legislation to work together to properly implement the salutary purposes of this measure; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2318, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2318, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Human Services,

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* SB 2318	Committee Referral: HMS, JDL	Date: 1-31-12
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The committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313
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Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
GREEN, M.D., Josh	✓			
SLOM, Sam				✓
TOTAL	3	0	0	1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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*Only one measure per Record of Votes