
A BILL FOR AN ACT

RELATING TO THE OFFICE OF THE PUBLIC GUARDIAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 551A-2, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:
3 "(a) The public guardian shall serve as guardian, limited
4 guardian, testamentary guardian, emergency guardian, or
5 temporary substitute guardian of an incapacitated person when so
6 appointed by the family court or by the circuit court under
7 chapter 560. [~~The~~] Notwithstanding section 560:5-304, the
8 public guardian may not file a petition for the public
9 guardian's own appointment. Petitions for public guardianship
10 may [~~also~~] be filed by any person, agency, or facility
11 responsible for the support or care of individuals who:
12 (1) Are not able to understand or adequately participate
13 in decisions concerning their care; and
14 (2) Have no relatives or friends willing and able to act
15 as a guardian.
16 (b) The public guardian shall have the same powers and
17 duties as a private guardian. In addition, if there is no



1 conservatorship in effect for a ward, the court may authorize
2 the public guardian to:

3 (1) Request and obtain copies of any and all of the ward's
4 financial information, records, and documents,
5 including but not limited to account statements,
6 deposit and withdrawal records, and canceled or
7 returned checks, from any and all savings accounts,
8 checking accounts, safe deposit box accounts,
9 retirement or pension accounts, investment accounts,
10 insurance accounts, annuity accounts, credit card
11 accounts, and all other accounts held in the name of
12 the ward; and

13 (2) Transact business or take necessary action as to the
14 accounts in paragraph (1);

15 provided that if a conservatorship comes into effect for the
16 ward, the public guardian shall not have and shall not exercise
17 the powers in paragraphs (1) and (2) that have been granted to
18 the conservator, for the duration of the conservatorship."

19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Office of the Public Guardian; Powers; Appointment; Financial Assets

Description:

Prohibits the office of the public guardian from petitioning for its own appointment as guardian of the person for an incapacitated person. Authorizes the court to allow the office to manage a ward's financial assets where no conservatorship is in effect. (CD1)

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