
A BILL FOR AN ACT

RELATING TO GUARDIANSHIP OF MINORS.

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

1 SECTION 1. Section 560:5-205, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) After a petition for appointment of a guardian is
4 filed, the court shall schedule a hearing, and the petitioner
5 shall give notice of the time and place of the hearing[~~7~~
6 ~~together with a copy of the petition, to:~~

7 ~~(1) The minor, if the minor has attained fourteen years of
8 age and is not the petitioner;~~

9 ~~(2) Any person alleged to have had the primary care and
10 custody of the minor during the sixty days before the
11 filing of the petition;~~

12 ~~(3) Each living legal parent of the minor whose parental
13 rights have not been terminated pursuant to chapter
14 571 or 587 or if one parent is deceased, the adult
15 nearest in kinship to the deceased parent that can be
16 found. If both parents are deceased, notice shall be
17 given to each adult sibling of the minor who can be
18 found or, if none, each adult nearest in kinship to~~



1 ~~each deceased parent that can be found. For good~~
2 ~~cause, the court may waive notice to the nearest in~~
3 ~~kinship upon showing that all reasonable efforts have~~
4 ~~been made to ascertain the identity and address of the~~
5 ~~person or to effect notice, that the efforts were~~
6 ~~unsuccessful, and that further efforts should not be~~
7 ~~required because that person has not demonstrated a~~
8 ~~reasonable degree of interest in or concern about the~~
9 ~~minor;~~

10 ~~(4) Any person nominated as guardian by the minor if the~~
11 ~~minor has attained fourteen years of age;~~

12 ~~(5) Any appointee of a parent whose appointment has not~~
13 ~~been prevented or terminated under section 560:5-203,~~
14 ~~and~~

15 ~~(6) Any guardian or conservator currently acting for the~~
16 ~~minor in this State or elsewhere].~~

17 Notice, together with a copy of the petition, shall be given to
18 the following living parents of the minor whose parental rights
19 have not been terminated pursuant to chapter 571 or 587A and who
20 are not appointing parents under section 560:5-202:

21 (1) The mother of the minor;



- 1 (2) A legal father as to whom the minor is a legitimate
- 2 child;
- 3 (3) An adjudicated father whose relationship to the child
- 4 has been determined by a court;
- 5 (4) A presumed father under section 578-2(d);
- 6 (5) A concerned natural father who is not the legal,
- 7 adjudicated, or presumed father but who has
- 8 demonstrated a reasonable degree of interest, concern,
- 9 or responsibility as to the welfare of the minor; or
- 10 (6) Any man who whose name appears as father on the
- 11 minor's birth certificate."

12 SECTION 2. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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JAN 16 2014



H.B. NO. 1782

Report Title:

Guardianships; Minors; Notice

Description:

Amends the list of individuals that a petitioner is required to provide notice to regarding the time and place of the hearing for a petition for guardianship.

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

