



*The Judiciary, State of Hawai‘i*

**Testimony to the House Committee on Judiciary**

The Hon. Karl Rhoads, Chair  
The Hon. Sharon E. Har, Vice Chair

Thursday, February 20, 2014  
1:00 p.m.  
State Capitol, Conference Room 325

**WRITTEN TESTIMONY ONLY**

By

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Deputy Chief Judge, Senior Family Judge  
Family Court of the First Circuit

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**Bill No. and Title:** House Bill No. 2054, Relating to the Uniform Power of Attorney Act

**Purpose:** Establishes the Uniform Power of Attorney Act. Defines the levels of authority granted in a power of attorney to the principal's agent. Requires the agent to act in good faith and within the scope of authority granted in the power of attorney. Provides sample documents to be used to create a statutory form power of attorney. Repeals Chapter 551D, Hawai‘i Revised Statutes.

**Judiciary's Position:**

The Judiciary takes no position on the merits of House Bill No. 2054. However, the Judiciary respectfully suggests exempting powers of attorney regarding care of minors and disabled adults for the following reasons.

1. The bill is entirely focused on matters of “property” as defined on page 3, from line 14.

2. The exemption suggested by the Judiciary is similar to the bill’s exemption of health care decisions (page 4, line 18).



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3. Powers of attorney regarding the care of minors and disabled adults are widely used in this state because of the strength of families. For example, many kupuna (grandparents) have the responsibility of raising their grandchildren due to a variety of factors such as the parents being too immature; they may need to work on another island, or they may be incapacitated because of substance abuse. Another example would be one sibling taking care of a disabled adult sibling. These families will probably have no knowledge of this law and may be subject to unintended consequences caused by the passage of this bill.

We respectfully suggest the following amendment to this bill by adding the following language at page 5, from line 4:

(5) A power created by a legal parent or legal guardian placing the care of a minor or a disabled adult under another person.

Thank you for the opportunity to provide testimony on this matter.