

Petitioner Pro Se

IN THE FAMILY COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

	)	FC-G No. _____
	)	
In the Matter of the Guardianship	)	PETITION FOR APPOINTMENT OF A
	)	GUARDIAN OF THE PERSON OF A
of	)	MINOR; NOTICE OF HEARING
	)	
_____	)	
born on _____	)	
	)	
A Minor Person.	)	
_____	)	

PETITION FOR APPOINTMENT OF A GUARDIAN  
OF THE PERSON OF A MINOR

TO THE HONORABLE PRESIDING JUDGE OF THE FAMILY COURT:

Petitioner respectfully alleges as follows:

1. This petition is for the appointment of a Guardian of the person of \_\_\_\_\_ who is a minor residing or present within the jurisdiction of this Court, pursuant to Hawaii Revised Statutes (H.R.S.) Section 560:5-102.

2. The following information concerns the above-named minor:

Name:

Address:

Date and Place of Birth:

Social Security Number:

Sex:

Age:

3. Such appointment is necessary because \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

4. The following person is suitable to be appointed guardian of the person of the minor:

Name:

Date of Birth:

Address:

Relationship to Minor:

Occupation:

Monthly Gross Income:

Marital Status:

Maiden Name:

Number of children:

Number of Dependents:

Criminal convictions:

Social Security Number:

Testamentary Nomination: [ ] Yes [ ] No

5. The minor has the following living legal relatives:

(a) Legal parents:

Name of father:

Address:

City, State, ZIP:

Name of mother:

Address:

City, State, ZIP:

(b) Legal Paternal grandparents:

Name of grandfather:

Address:

City, State, ZIP:

Name of grandmother:

Address:

City, State, ZIP:

(c) Legal Maternal grandparents:

Name of grandfather:

Address:

City, State, ZIP:

Name of grandmother:

Address:

City, State, ZIP:

(d) Person who has the principal care and custody of the minor during the sixty days preceding the filing of the petition:

Name:

Address:

City, State, ZIP:

6. Guardian of the minor's property, if any:

Name:

Address:

City, State, ZIP:

Guardianship File Number: G. \_\_\_\_\_

7. The following interested person(s) (has/have) filed with the Court a request for notice before entry of any order in a protective proceeding relative to the above-named person:

Name:

Address:

City, State, ZIP:

Relationship to Subject of the Petition:

8. Petitioner has made inquiry of all reasonable sources as to the names and addresses of persons in paragraphs 5(a) through 5(d) and paragraph 6, and has not been able to obtain information other than as alleged in said paragraphs.

9. The minor [ ] is [ ] is not represented by counsel/guardian ad litem.

**WHEREFORE**, petitioner prays:

1. The Court make the following findings that:

- (a) This Court has jurisdiction in this matter and venue is proper;
- (b) The material allegations of the petition for appointment of a guardian of the person of a minor are true;
- (c) all required notices have been given or consents or waivers have been granted;
- (d) the requirements of H.R.S. Section 560:5-204 have been met;
- (e) the appointment of a guardian will serve the welfare and best interest of the subject minor; and
- (f) the proposed guardian is a competent person.

2. The proposed guardian be appointed guardian of the person of the subject minor, to continue in office until such guardianship is terminated by court order or by operation of law.

3. The guardian of the person of the minor shall serve [ ] with [ ] without compensation and [ ] with [ ] without bond.

4. The prayer of the petition be granted and letters of guardianship be issued.

PETITIONER DECLARES UNDER PENALTY OF PERJURY THAT PETITIONER HAS READ THIS PETITION FOR GUARDIANSHIP AND KNOWS AND UNDERSTANDS THE CONTENTS HEREOF; AND THAT THE STATEMENTS MADE HEREIN ARE TRUE OF PETITIONER'S OWN KNOWLEDGE EXCEPT AS TO MATTERS HEREIN STATED UPON INFORMATION AND BELIEF. AS TO THOSE MATTERS, PETITIONER BELIEVES THEM TO BE TRUE.

DATED: \_\_\_\_\_, Maui, Hawaii, \_\_\_\_\_

\_\_\_\_\_  
Signature of Petitioner

Petitioner Pro Se

IN THE FAMILY COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

In the Matter of the Guardianship ) FC-G No. \_\_\_\_\_  
 )  
 ) NOTICE OF HEARING  
 )  
 of )  
 )  
 )  
 )  
 )  
 )  
 born on \_\_\_\_\_ )  
 )  
 )  
 A Minor Person. )  
 )

NOTICE OF HEARING

STATE OF HAWAII

TO:

The petition for appointment of a guardian of the person of the above-named minor person will be heard in the Family Court, 2145 Main Street, Wailuku, Maui, Hawaii 96793, on \_\_\_\_\_, at \_\_\_\_\_ in Courtroom 3B.

If you fail to appear at the hearing, or to file an answer with the Office of the Chief Clerk of the Second Circuit at 2145 Main Street, Wailuku, Hawaii 96793, before the date of the hearing, further action may be taken in this cause without further notice to you.

**THIS SUMMONS SHALL NOT BE PERSONALLY DELIVERED BETWEEN 10:00 P.M. AND 6:00 A.M. ON PREMISES NOT OPEN TO THE PUBLIC, UNLESS A JUDGE OF THE DISTRICT OR CIRCUIT COURTS PERMITS, IN WRITING ON THE SUMMONS, PERSONAL DELIVERY DURING THOSE HOURS. FAILURE TO OBEY THE SUMMONS MAY RESULT IN AN ENTRY OF A DEFAULT AND DEFAULT JUDGMENT AGAINST THE PERSONS SUMMONED.**

**Americans with Disabilities Act Notice**



If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation:

Call (808) 244-2855 FAX (808) 244-2932 OR Send an e-mail to: [adarequest@courts.hawaii.gov](mailto:adarequest@courts.hawaii.gov). The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.

DATED: \_\_\_\_\_, Maui, Hawaii, \_\_\_\_\_

\_\_\_\_\_  
CLERK OF THE ABOVE-REFERENCED COURT

Petitioner Pro Se

IN THE FAMILY COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

	)	FC-G No. _____
	)	
In the Matter of the Guardianship	)	LIST OF EXHIBITS
	)	
of	)	
	)	
_____	)	
born on _____	)	
	)	
A Minor Person.	)	
_____	)	

LIST OF EXHIBITS

The exhibits attached hereto are submitted for filing in the above-entitled proceeding:

1. \_\_\_\_\_.
2. \_\_\_\_\_.
3. \_\_\_\_\_.

DATED: \_\_\_\_\_, Maui, Hawaii, \_\_\_\_\_

\_\_\_\_\_  
Petitioner Pro Se

Petitioner Pro Se

IN THE FAMILY COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

	)	FC-G No. _____
	)	
In the Matter of the Guardianship	)	WAIVER OF NOTICE AND
	)	CONSENT TO GUARDIANSHIP
of	)	
	)	
_____	)	
born on _____	)	
	)	
_____ A Minor Person.	)	

WAIVER OF NOTICE AND CONSENT TO GUARDIANSHIP

I acknowledge receipt of a filed copy of the Petition requesting the appointment of \_\_\_\_\_ as guardian of the person of the above-named minor and the Notice of Hearing in this action.

I consent to the guardianship, appointment of the proposed guardian, and waive the requirement that I receive notice of the hearing at least fourteen days before the hearing on the Petition.

Also,

I do not want to be notified of any further hearings and understand that the Court may grant the petition without further notice to me



[ ] I want to be notified of all future hearings but do not require that I be given at least fourteen (14) days advance notice.

DATED: \_\_\_\_\_, Maui, Hawaii, \_\_\_\_\_

---

Name:

Address:

Petitioner Pro Se

IN THE FAMILY COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

	)	FC-G No. _____
	)	
In the Matter of the Guardianship	)	ORDER APPOINTING GUARDIAN
	)	OF THE MINOR PERSON;
	)	EXHIBIT A
	)	
of	)	
	)	
_____,	)	
born on _____,	)	
	)	
A Minor Person.	)	
_____	)	

ORDER APPOINTING GUARDIAN OF THE MINOR PERSON

This matter came on for hearing on \_\_\_\_\_ before the Honorable \_\_\_\_\_, Judge of the Family Court Second Circuit.

Following that hearing and after full consideration of all of the evidence, the Court found that:

1. This court has jurisdiction in this matter and venue is proper;

2. The material allegations of the petition for appointment of a guardian of the minor person are true;

3. Required notices or consents have been given or waivers granted;

4. The requirements of Hawaii Revised Statutes (H.R.S.) Section 560:5-204 have been met;

5. Appointment of a guardian will serve the welfare and best interest of the subject minor;

6. \_\_\_\_\_ is a competent person.

NOW THEREFORE,

IT IS HEREBY ORDERED that \_\_\_\_\_ be and is hereby appointed guardian of the person of \_\_\_\_\_ born \_\_\_\_\_ (with authority to delegate his/her responsibilities and duties to a professional member of his/her staff) for the purpose of providing care and attention for said minor (and having custody thereof,) and of performing all procedures necessary for the minor's health, welfare and best interests pursuant to H.R.S. Section 560:5-209, including the authority as limited by H.R.S. Sections 560:5-103 and 560:5-209(2) to receive funds, including periodic support for the subject ward supplied by any government or any agency and tangible property deliverable to the ward and apply the money and property for the support, care and education of the ward, and to exercise care to conserve any excess for the ward's needs. (See Exhibit A.)

IT IS HEREBY ORDERED that the parent(s) of the minor shall not exercise, without the consent of the guardian, the powers and duties which are herein granted to the guardian pursuant to H.R.S. Section 560:5-209.

IT IS FURTHER ORDERED that in the event that income to the minor, beyond government income, exceeds \$1000.00 per month the guardian shall provide, within thirty (30) days, annual reports to the Court on the condition of the minor and of the minor's estate.

IT IS HEREBY FURTHER ORDERED that the guardian shall serve [ ] with [ ] without bond or [ ] with [ ] without compensation and shall be discharged upon the minor's adoption, marriage, death or attainment of the age of majority or upon the death, resignation, removal or determination of incapacity of the guardian or upon further order of the Court, but termination does not affect the liability of guardian for prior acts, nor guardian's obligation to account for funds and assets of the ward. Resignation of a guardian of the person does not terminate the guardianship until it has been approved by the Family Court.

AND IT IS HEREBY FURTHER ORDERED that Letters of Guardianship be issued in accordance herewith.

DATED: \_\_\_\_\_, Maui, Hawaii, \_\_\_\_\_

\_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

**§560:5-208 Powers guardian.** (a) Except as otherwise limited by the court, a guardian of a minor ward has the powers of a parent regarding the ward's support, care, education, health, and welfare.

(b) A guardian may:

(1) Apply for and receive money for the support of the ward otherwise payable to the ward's parent, guardian, or custodian under the terms of any statutory system of benefits or insurance or any private contract, devise, trust, conservatorship or custodianship;

(2) If otherwise consistent with the terms of any order by a court of competent jurisdiction relating to custody of the ward, take custody of the ward and establish the ward's place of custodial dwelling; provided that a guardian may only establish or move the ward's custodian dwelling outside the State upon express authorization of the court;

(3) If the conservator for the estate of a ward has not been appointed with existing authority, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel a person to support the ward or to pay money for the benefit of the ward;

(4) Consent to medical or other care, treatment, or service for the ward;

(5) Consent to marriage of the ward; and

(6) If reasonable under all of the circumstances, delegate to the ward certain responsibilities for decisions affecting the ward's well-being.

(c) The court may specifically authorize the guardian to consent to the adoption of the ward. [L 2004, c 161, pt of §1]

**§560:5-207 Duties of Guardian.** (a) Except as otherwise limited by the court, a guardian of a minor ward has the duties and responsibilities of a parent regarding the ward's support, care, education, health, and welfare. A guardian shall act at all times the ward's best interest and exercise reasonable care, diligence, and prudence.

(b) A guardian shall:

(1) Become or remain personally acquainted with the ward and maintain sufficient contact with the ward to know the ward's capacities, limitations, needs, opportunities, and physical and mental health;

(2) Take reasonable care of the ward's personal effects and bring a protective proceeding if necessary to protect other property of the ward;

(3) Expend money of the ward that has been received by the guardian, for the ward's current needs for support, care, education, health, and welfare:

(4) Conserve any excess money of the ward for the ward's future needs: provided that if a conservator has been appointed for the estate of the ward, the guardian shall pay the money at least quarterly to conservator to be conserved for the ward's future needs;

(5) Report the condition of the ward and account for money and other assets in the guardian's possession or subject to the guardian's or subject to Guardian's control, as ordered by the court on application of any person interested in the ward's welfare or as required by court rule; and

(6) Inform the court of any change in the ward's custodial dwelling or address

[L 2004, c 161, pt of §1]

**EXHIBIT "A"**

Petitioner Pro Se

IN THE FAMILY COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

	)	FC-G No. _____
	)	
In the Matter of the Guardianship	)	LETTERS OF GUARDIANSHIP
	)	OF A MINOR PERSON
	)	
of	)	
	)	
_____	)	
born on _____	)	
	)	
A Minor Person.	)	
_____	)	

LETTERS OF GUARDIANSHIP OF A MINOR PERSON

\_\_\_\_\_ is hereby appointed guardian of the person of \_\_\_\_\_ born \_\_\_\_\_ for the purpose of providing care and attention for said minor (and having custody thereof,) and of performing all procedures necessary for the minor's health, welfare and best interests pursuant to Hawaii Revised Statutes (H.R.S.) Section 560:5-209, including the authority as limited by H.R.S. Sections 560:5-103 and 560:5-209(2) to receive funds, including periodic support for the subject ward supplied by any government or any agency and tangible property deliverable to the ward and apply the money and property for he support, care and education of the ward, and to exercise care to conserve any excess for the ward's needs.

The parent of the minor shall not exercise, without the consent of the guardian, the powers and duties which are herein granted to the guardian pursuant to H.R.S. Section 560:5-209.

The guardian shall serve [ ] with [ ] without bond or [ ] with [ ] without compensation and shall be discharged upon each minor's adoption, marriage, death, or attainment of the age of majority or upon the death, resignation, removal or incapacity of the guardian or upon further order of the Court, but termination does not affect the liability of guardian for prior acts, nor the guardian obligation to account for funds and assets of the ward. Resignation of a guardian of the person does not terminate the guardianship until it has been approved by the Family Court.

DATED: \_\_\_\_\_, Maui, Hawaii, \_\_\_\_\_

\_\_\_\_\_  
CLERK OF THE ABOVE-ENTITLED COURT