

IN THE FAMILY COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

In the Matter of the Guardianship of _____)
) _____ (Case Number)
) ORDER APPOINTING CO-GUARDIANS
) OF A MINOR(S) WITH UNLIMITED
 (Minor's Full Legal Name)) LIMITED AUTHORITY; EXHIBIT "A"
)
 Birthdate: _____)
 Male Female) Hearing Date: _____
 A Minor.)
 _____) Presiding Judge: _____

ORDER APPOINTING CO-GUARDIANS OF
A MINOR(S) WITH UNLIMITED LIMITED AUTHORITY

This matter came on for hearing on the above-mentioned date before the Honorable
 _____, Judge of the Family Court of the First Circuit.
 (Full Name of Judge)

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

1. This Court has jurisdiction and is the proper venue in this matter:
2. The material allegations of the petition for appointment of co-guardians of the Minor(s) are true;
3. _____ and
 (Minor's Name)
 _____ are minors as defined in HRS § 560:5-102;
 (Minor's Name)
4. The appointment of co-guardians for the Minor(s) is in the Minor's best interest,
 and A. The legal mother legal father consented to the guardianship.

B. The parental rights of the legal mother legal father has/have been terminated or have been divested pursuant to HRS Chapter 587A.

C. The Minor's legal mother legal father is/are unwilling or unable to exercise their parental rights.

5. _____
(Names of Proposed Guardians)

are qualified persons to serve as Co-Guardians.

6. The necessary persons have been properly served

7. A. The Co-Guardians shall have unlimited authority because:

or

B. The Co-Guardians shall have limited authority

Now, therefore, IT IS HEREBY ORDERED that:

1. _____ be and are
(Names of Proposed Guardians)
appointed Co-Guardians of _____ to make decisions
(Name of Minor)

regarding the Minor's support, care, education, health, and welfare, subject to the provisions in HRS §§ 560:5-207, 560:5-208, and 560:5-209. At all times, the Co-Guardians shall act in the Minor's best interests and exercise reasonable care, diligence, and prudence.

2. The Co-Guardians shall have the following duties:

- a. To become or remain personally acquainted with the Minor(s) and maintain sufficient contact with the Minor(s) to know of the Minor's capacities, limitations, needs, opportunities, and physical and mental health;
- b. To take reasonable care of the Minor's personal effects and bring a protective proceeding if necessary to protect other property of the Minor(s);
- c. To expend money of the Minor(s) that has been received by the Co-Guardians, for the Minor's current needs for support, care, education, health, and welfare;

- d. To conserve any excess money of the Minor(s) for the Minor’s future needs; provided that if a conservator has been appointed for the estate of the Minor(s), the Co-Guardians shall pay the money at least quarterly to the conservator to be conserved for the Minor’s future needs;
- e. To report the condition of the Minor(s) and account for the money and other assets in the Co-Guardians' possession or subject to the Co-Guardians' control, as ordered by the court on application of any person interested in the Minor’s welfare or as required by court rule; and
- f. To inform the court of any change in the Minor’s custodial dwelling or address.

3. The Co-Guardians shall have:

limited authority as provided below:

unlimited authority to make these decisions, including, but not limited to, the authority to:

- a. Apply for and receive money for the support of the Minor(s) otherwise payable to the Minor’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;
- b. If consistent with any court order relating to custody for the Minor(s), take custody of the Minor(s) and establish the Minor’s residence, provided that prior court approval is needed if Minor(s) is to live or be moved to a location outside of the State of Hawai‘i;
- c. If a conservator for the Minor’s estate has not been appointed, then the Guardian may initial legal action to compel a person to support the Minor(s) or pay money for the Minor’s benefit;
- d. Consent to medical or other care, treatment, or service for the Minor(s);
- e. Consent to the marriage of the Minor(s); and
- f. If reasonable under all of the circumstances, delegate to the Minor(s) certain responsibilities for decisions affecting the Minor’s well-being.

4. The Co-Guardians shall serve without bond, and with prior court approval, are entitled to reasonable compensation from the Minor's estate for services as Co-Guardians and to reimbursement for room, board, and clothing provided by the Co-Guardians to the Minor(s) as approved by the court, *see* Exhibit A; and
5. The Co-Guardians shall be discharged upon the Minor's death, adoption, emancipation or attainment of the age of majority, or as ordered by the court, but termination does not affect the liability of the Co-Guardians for prior acts, nor the Co-Guardians' obligation to account for funds and assets of the Minor(s).
6. The Co-Guardians shall submit an initial report within 6 months of today's hearing regarding the condition of the Minor(s) and an annual report shall be submitted to the Court by _____, and whenever ordered by the Court, until termination of the guardianship.

DATED: Honolulu, Kapolei, Hawai'i, _____

 JUDGE OF THE ABOVE-ENTITLED COURT

Print Name of Judge: _____



In accordance with the Americans with Disabilities Act, as amended, and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the First Circuit Family Court office by telephone at 954-8200, fax 954-8308, or via email at adarequest@courts.hawaii.gov at least ten (10) working days prior to your hearing or appointment date.

Please call the Family Court Service Center at 954-8290 if you have any questions regarding forms or procedures.

Hawai'i Revised Statutes

section (§) 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 in 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 of 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 the 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 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.

§ 560:5-208 Powers of 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;

EXHIBIT A

§ 560:5-208 Powers of guardian (continued)

- (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 custodial dwelling outside the State upon express authorization of the court;
 - (3) If a 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 the 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.

§ 560:5-209 Rights and immunities of guardian.

- (a) A guardian shall be entitled to such reasonable compensation from the ward's estate for services as guardian and to reimbursement for room, board, and clothing provided by the guardian to the ward, but only as is approved by the court.
- (b) A guardian is not:
 - (1) Legally obligated to use the guardian's personal funds for the ward's expenses;
 - (2) Unless otherwise provided in the contract, individually liable on a contract properly entered into in the guardian's representative capacity in the exercise of the duties and powers as guardian unless the guardian fails to reveal the guardian's capacity and the identity of the ward in the contract;
 - (3) Personally liable to a third person for acts of the ward solely by reason of the guardianship; and
 - (4) Personally liable for injury to the ward resulting from the negligence or act of a third person providing medical or other care, treatment, or service to the ward except to the extent that a parent would be liable under the circumstances.