

## For More Information, Call the Legal Aid In Your Community.

Legal Hotline open Monday to Friday  
9:00am to 11:30am  
1:00pm to 3:30pm

Oahu call 536-4302  
Maui call 242-0724  
Molokai call 553-3251  
Lanai call 565-6089  
Hilo call 934-0678  
Kona call 329-8331  
Kauai call 245-7580

<http://www.legalaidhawaii.org>

### **R e m e m b e r :**

This brochure is meant to give you general information and not to give you specific advice about your case.

The law often changes. Each case is different.

Guardianships require a lot of time and attention, as well as the Court's time. Guardianship are not always necessary or the best choice in all situations. You should talk with an attorney about your specific needs.

For more information, call Legal Aid's hotline.



**Legal Aid  
Society  
Of Hawai`i**

## Guardianship Facts

### **WHAT IS A GUARDIANSHIP?**

In a guardianship proceeding, a Court is asked to appoint a person as guardian for another person (ward) because that person is unable to manage their own affairs (incapacitated) or is a minor. There are two basic types of guardianship: guardian of a minor and guardian of an incapacitated adult.

## Guardianship of a Minor

### **1. HOW DO I BECOME A GUARDIAN OF A MINOR AND HOW LONG DOES IT LAST?**

You must file a petition with Family Court to begin a guardianship proceeding. After a court hearing, the Court may appoint you as guardian of a minor.

Once you are appointed, the guardianship will continue unless one of the following situations occur:

- you die;
- you quit with the Court's approval;
- you are removed as guardian by the Court;
- the minor dies;
- the minor is adopted;
- the minor gets married; OR
- the minor becomes an adult (18 years old).

### **2. WHAT ARE THE RESPONSIBILITIES OF A GUARDIAN OF A MINOR?**

While a minor's guardian does not have a personal legal obligation to support the minor, she or he does have certain duties and obligations, including:

- Taking reasonable care of the minor's personal effects and property.
- Receiving money due for support of the minor and using it for the minor's care, support, and education.
- Helping with the minor's education and social activities.
- Authorizing necessary medical care and treatment.
- Submitting periodic reports to the Court about the minor.

## Guardianship of An Incapacitated Adult

### **1. HOW DO I BECOME GUARDIAN OF AN INCAPACITATED PERSON?**

When a person is unable to care for himself or is unable to manage his own affairs (is incompetent), the Family Court may appoint a person as his/her guardian.

### **2. HOW LONG DOES THIS GUARDIANSHIP LAST?**

A guardian's responsibility for his ward begins when Family Court makes its decision to make a person a guardian.

The guardianship continues until:

- the ward dies;
- the guardian dies;
- the guardian becomes incapacitated;
- the guardian quits with Court approval; OR
- the guardian is removed by the Court.

### **3. WHAT ARE THE RESPONSIBILITIES OF A GUARDIAN OF AN INCAPACITATED ADULT?**

A guardian of an incapacitated person has duties and obligations toward the ward, including:

- if guardian has custody, guardian must provide for the care of the ward;
- Guardian must take reasonable care to safeguard the ward's personal effects and other personal property;
- Guardian must give necessary medical consent so that the ward can receive medical care and treatment; AND
- Guardian must protect the ward's property if he/she is also appointed guardian of the property as well as guardian of the person.