



HAWAII DISABILITY RIGHTS CENTER

HDRC

is a private non-profit public interest organization established in 1977 as the Protection and Advocacy Agency of Hawaii.

HDRC

is Hawaii's Protection and Advocacy System for People with Disabilities,



as authorized in federal and state law and designated by the Governor.

HDRC

protects and promotes the human, civil and legal rights of people with disabilities through the provision of information and advocacy.

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Photo by Sharon Smockhoffmann



HAWAII DISABILITY RIGHTS CENTER

PROTECTING YOUR RIGHTS TO
**Self-Determination
and Freedom from
Inappropriate
Guardianship**

Self-determination is the right to make one's own decisions. This is a fundamental right enjoyed by all people, even those with mental illness or developmental disabilities, and it is a foundational principle of the Hawaii Disability Rights Center. Everyone is presumed to have the capacity to make his or her own decisions unless determined otherwise in a guardianship proceeding by a court of law.

HRS § 560:5-101(2) defines an incapacitated person who may require a guardianship as:

“... any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication, or other cause (except minority) to the extent that the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning one's person.”

HRS § 560:5-307 provides that a person under guardianship who has regained capacity may petition the court for termination of the guardianship.

▼ For More Information or Assistance ▼

Oahu Residents
Call (v/tty) 949-2922

Neighbor Island Residents
Call (v/tty) 1-800-882-1057

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Self-Determination and Freedom from Inappropriate Guardianship

The Hawaii Disability Rights Center can assist people with disabilities who:

- ▶ **Are threatened with the loss of their self-determination by an inappropriate guardianship action in court.**
- ▶ **Have regained the capacity to make their own decisions and wish to terminate an existing guardianship.**