



HAWAII DISABILITY RIGHTS CENTER

a private non-profit public interest corporation,
protects and promotes the human, civil and legal rights
of people with disabilities
through the provision of information and advocacy.

HDRC is Hawaii's

PROTECTION AND ADVOCACY SYSTEM
for People with Disabilities



and

CLIENT ASSISTANCE PROGRAM

CAP

as authorized in federal and state law
and designated by Executive Order.

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HAWAII DISABILITY RIGHTS CENTER

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

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. 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.

HRS § 560:5-102 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 § 560:5-318 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

HAWAII DISABILITY RIGHTS CENTER

Self-Determination and Freedom from Inappropriate Guardianship

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

- ▶ **Have lost 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.**