

## 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** 



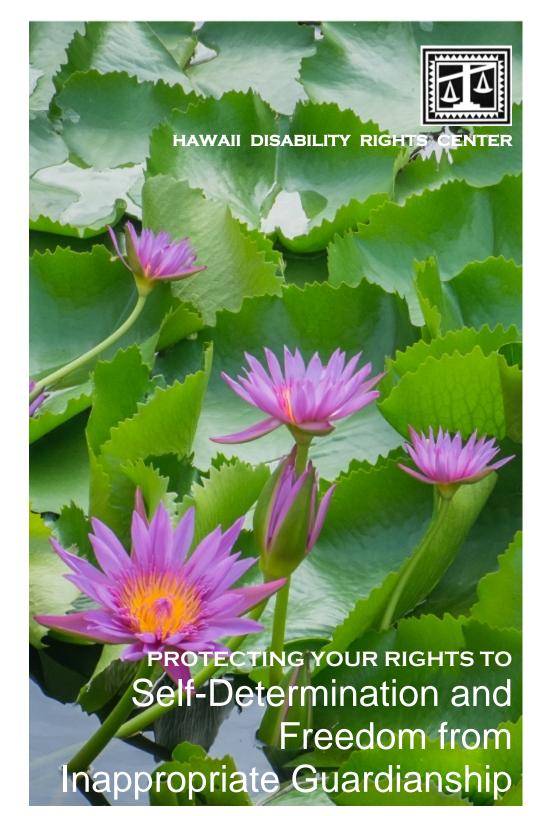
as authorized in federal and state law and designated by Executive Order.

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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 selfdetermination by an inappropriate guardianship action in court.
- ► Have regained the capacity to make their own decisions and wish to terminate an existing guardianship.