Honolulu, Hawaii

Fch6, 2008

RE: H.B. No. 3128 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Human Services & Housing, to which was referred H.B. No. 3128 entitled:

"A BILL FOR AN ACT RELATING TO ADULT PROTECTIVE SERVICES," begs leave to report as follows:

The purpose of this bill is to require caregivers and advocacy service providers to report suspected abuse of a dependent adult to the Department of Human Services (DHS).

DHS, the Office of Hawaiian Affairs, and Kokua Council testified in support of this bill. The State Council on Development Disabilities supported the intent of this measure. The National Association of Social Workers supported the intent of this bill with amendments. The Hawaii Disability Rights Center (HDRC) provided comments.

Your Committee urges stakeholders to form a task force to consider issues raised by HDRC in its written testimony such as clarifying the definition of "abuse" and establishing a definition for "advocacy services", as well as developing reporting mechanisms that are better coordinated and eliminate gaps.

Your Committee has amended this bill by:

(1) Changing the term "dependent adult" to "vulnerable adult;"

- (2) Specifying that reporting should be within the extent permitted under federal law and where any necessary consent to release information was obtained;
- (3) Including advocacy services, social workers, and informal caregivers as mandated reporters;
- (4) Removing advocacy services specifically for persons with development disabilities, mental illness, and disabilities as mandated reporters;
- (5) Exempting clergy from reporting certain protected communications; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3128, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3128, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Human Services & Housing,

MAILE SHIMABUKURO, Chair

State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Human Services & Housing

Bill/Resolution No.: HB 3128 Committe HSH,	JUD, F	IN Date	1/31/0	8
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
HSH Members	Ayes	Ayes (WR)	Nays	Excused
1. SHIMABUKURO, Maile S. L. (C)	X			
2. RHOADS, Karl (VC)				
3. AWANA, Karen Leinani	X			
4. BELATTI, Della Au	X			
5. BERTRAM, Joe, III				I Y
6. CABANILLA, Rida T.R.		X		
7. GREEN, Josh, M.D.	X			
8. MIZUNO, John	X			
9. TOKIOKA, James Kunane	Y			
5. Tokkovki, gumes kumane				
10. WARD, Gene, Ph.D.	X	200		
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TOTAL (10)	8	1	0	
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				