

JAN 20 2017

A BILL FOR AN ACT

RELATING TO ORDERS FOR IMMEDIATE PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 346-231, Hawaii Revised Statutes, is
2 amended as follows:
3 1. By amending subsection (a) to read:
4 "(a) If the department believes that a person is a
5 vulnerable adult and it appears probable that the vulnerable
6 adult has incurred abuse or is in danger of abuse if immediate
7 action is not taken and the vulnerable adult consents, or if the
8 vulnerable adult does not consent and there is probable cause to
9 believe that the vulnerable adult lacks the capacity to make
10 decisions concerning the vulnerable adult's person, the
11 department may seek an order for immediate protection in
12 accordance with this section[-]; provided that if the vulnerable
13 adult lives in the vulnerable adult's residence and has a
14 prognosis of six months or less to live, the department shall
15 not seek an order for immediate protection unless there is
16 substantial evidence that the vulnerable adult has incurred



1 abuse or is in danger of abuse if immediate action is not
2 taken."

3 2. By amending subsection (c) to read:

4 "(c) Upon finding that the person is a vulnerable adult
5 and that there is probable cause to believe that the vulnerable
6 adult has incurred abuse or is in danger of abuse if immediate
7 action is not taken, or substantial evidence that a vulnerable
8 adult has incurred abuse or is in danger of abuse if immediate
9 action is not taken when a vulnerable adult lives in the
10 vulnerable adult's residence and has a prognosis of six months
11 or less to live, and the vulnerable adult consents, or if the
12 vulnerable adult does not consent and there is probable cause to
13 believe that the vulnerable adult lacks the capacity to make
14 decisions concerning the vulnerable adult's person, the court
15 shall issue an order for immediate protection. This order may
16 include:

- 17 (1) An authorization for the department to transport the
18 person to an appropriate medical or care facility;
- 19 (2) An authorization for medical examinations;
- 20 (3) An authorization for emergency medical treatment; and



1 (4) Any other matters as may prevent immediate abuse,
2 pending a hearing under section 346-232."

3 SECTION 2. Section 346-232, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) When the court finds that there is probable cause to
6 believe that a vulnerable adult has incurred abuse or is in
7 danger of abuse if immediate action is not taken, or substantial
8 evidence that a vulnerable adult has incurred abuse or is in
9 danger of abuse if immediate action is not taken when a
10 vulnerable adult lives in the vulnerable adult's residence and
11 has a prognosis of six months or less to live, and the
12 vulnerable adult consents, or if the vulnerable adult does not
13 consent and the court finds that there is probable cause to
14 believe that the vulnerable adult lacks the capacity to make
15 decisions concerning the vulnerable adult's person, the court
16 may continue or modify any order pending an adjudicatory hearing
17 on the petition. These orders may include orders for the
18 vulnerable adult's temporary placement and ordinary medical
19 care."



S.B. NO. 747

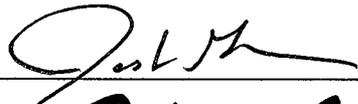
1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:



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S.B. NO. 747

Report Title:

Adult Protective Services; Vulnerable Adult; Order for Immediate Protection; Substantial Evidence

Description:

Requires a finding of substantial evidence that a vulnerable adult has incurred abuse or is in danger of abuse prior to the issuance of an order for immediate protection when the vulnerable adult is living at home with a prognosis of six months or less to live.

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