
A BILL FOR AN ACT

RELATING TO ADULT PROTECTIVE SERVICES.

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

1 SECTION 1. Reports of abuse against vulnerable adults
2 continue to rise as Hawaii's population ages. The department of
3 human services is authorized to enter premises without a warrant
4 for purposes of investigation of abuse to vulnerable adults,
5 pursuant to section 346-229, Hawaii Revised Statutes.
6 Currently, the statute limits that right of warrantless entry to
7 only situations where there is probable cause to believe that a
8 vulnerable adult will be physically injured.

9 As defined in section 346-222, Hawaii Revised Statutes,
10 abuse includes not only physical abuse, but also psychological
11 abuse, sexual abuse, financial exploitation, caregiver neglect,
12 or self-neglect. All of these forms of abuse can result in
13 damaging losses to the vulnerable adult's mental health,
14 welfare, and financial stability. Additionally, vulnerable
15 adults may suffer multiple forms of abuse in combination.

16 The purpose of this Act is to broaden the department's
17 right of entry into a vulnerable adult's premises without a

S.B. NO. 1134

1 warrant for an investigation of any type of abuse regardless of
2 whether there is physical injury.

3 SECTION 2. Section 346-229, Hawaii Revised Statutes, is
4 amended to amend subsection (b) to read as follows:

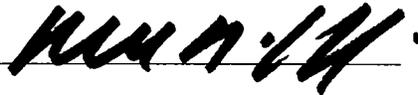
5 "(b) Any employee of the department engaged in an
6 investigation under this part, having probable cause to believe
7 that a vulnerable adult will be [~~physically injured through~~
8 ~~abuse~~] subject to imminent abuse as defined in section 346-222
9 before a court order for entry can be obtained, without a
10 warrant, may enter upon the premises where the vulnerable adult
11 may be found for the purpose of ascertaining that person's
12 welfare. Where a warrantless entry is authorized under this
13 section, the employee of the department may request the
14 assistance of a police officer to gain entrance."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18

19

INTRODUCED BY: 

20

21

BY REQUEST

S.B. NO. 1134

1 **Report Title:**

2 Department of Human Services; Right of Entry

3

4 **Description:**

5 Broadens the Department of Human Services employees' right of
6 entry into a vulnerable adult's premises from physical abuse to
7 abuses as defined in HRS section 346-222, Hawaii Revised
8 Statutes.

9

10 *The summary description of legislation appearing on this page is for informational*
11 *purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO ADULT PROTECTIVE SERVICES.

PURPOSE: To broaden the department's right of entry into a vulnerable adult's home when the department has probable cause to believe that the vulnerable adult is not only physically injured, but at risk of any abuse as defined in section 346-222, Hawaii Revised Statutes (HRS).

MEANS: Amend section 346-229(b), HRS.

JUSTIFICATION: Abuse against vulnerable adults is not limited to the visible injuries of physical abuse. Caregiver neglect, self-neglect, and financial exploitation are the most common types of abuse for which injuries are not necessarily visible. The department needs broader authority to enter a vulnerable adult's home to ascertain the adult's welfare.

Impact on the public: The amendment to section 346-229, HRS, improves the department's timeliness in assessing and investigating reports of abuse of a vulnerable adult in all residential settings.

Impact on the department and other agencies: This removes the limitation on the type of abuse reported for which the department may enter premises without a warrant and provides for a more expedited assessment of vulnerable adults, prompt investigation, and referral to health care and social services.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION:

OTHER AFFECTED
AGENCIES:

Department of Health, medical and mental
health professionals, law enforcement.

EFFECTIVE DATE: Upon approval.