
A BILL FOR AN ACT

RELATING TO ADULT PROTECTIVE SERVICES.

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

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

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



1 The purpose of this Act is to broaden the department's
2 right of entry into a vulnerable adult's premises without a
3 warrant for an investigation of any type of abuse regardless of
4 whether there is physical injury.

5 SECTION 2. Section 346-229, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

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

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on May 6, 2137.



Report Title:

Department of Human Services; Right of Entry

Description:

Broadens the department of human services employees' right of entry into a vulnerable adult's premises without a warrant to investigate any type of abuse regardless of physical injury. Effective 5/6/2137. (SD2)

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