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# A BILL FOR AN ACT

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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 of 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 under existing law  
11 related to the department of human services, "abuse" includes  
12 not only physical abuse, but also psychological abuse, sexual  
13 abuse, financial exploitation, caregiver neglect, or self-  
14 neglect. All of these forms of abuse can result in damaging  
15 losses to the vulnerable adult's mental health, welfare, and  
16 financial stability. Additionally, vulnerable adults may suffer  
17 multiple 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 caregiver neglect, self-neglect,  
4 or physical abuse.

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 caregiver neglect, self-neglect, or by physical abuse before a  
11 court order for entry can be obtained, without a warrant, may  
12 enter upon the premises where the vulnerable adult may be found  
13 for the purpose of ascertaining that person's welfare. Where a  
14 warrantless entry is authorized under this section, the employee  
15 of the department may request the assistance of a police officer  
16 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 Statutory material to be repealed is bracketed  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 July 1, 2060.



S.B. NO. 1134  
S.D. 2  
H.D. 1

**Report Title:**

Department of Human Services; Vulnerable Adults; Right of Entry;  
Caregiver Neglect; Self-Neglect; Physical Abuse

**Description:**

Broadens the department of human services employees' right of entry into a vulnerable adult's premises without a warrant to investigate any caregiver neglect, self-neglect, or physical abuse. Effective 7/1/2060. (HD1)

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

