

Honolulu, Hawaii

FEB 09 2007

RE: S.B. No. 1184
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Human Services and Public Housing, to which was referred S.B. No. 1184 entitled:

"A BILL FOR AN ACT RELATING TO ADULT PROTECTION,"

begs leave to report as follows:

The purpose of this measure is to amend the Adult Protective Services Law by:

- (1) Deleting the definition of "dependent adult";
- (2) Extending protections to persons between eighteen and seventy-four years of age if they meet the definition of a "vulnerable adult";
- (3) Adding a definition of "elder" to extend protections to persons seventy-five years or older;
- (4) Enabling the Department of Human Services to investigate and the court to have jurisdiction when reason exists to believe that an elder or a vulnerable adult has been abused or is threatened with imminent abuse; and
- (5) Making conforming amendments for clarity, consistency, and style.

The Policy Advisory Board for Elder Affairs, Healthcare Association of Hawaii, Child and Family Service, the National Association of Social Workers, Catholic Charities Hawai'i, Kokua



Council, Hawaii Centers for Independent Living, and six individuals submitted testimony in support of this measure. The Department of Human Services and the American Civil Liberties Union of Hawaii submitted testimony in opposition.

Your Committee received a fiscal impact statement from the Department of Human Services that this measure, if passed, would cost the State approximately \$4,942,207 for the first year and \$4,316,282 per year thereafter. The Department of Human Services also estimated an additional cost per year of \$724,532 for contracted services and other direct services to alleviate crisis situations.

Your Committee finds that citizens of Hawaii who are elder or are mentally or physically disabled constitute a significant and identifiable segment of the population and are particularly subject to risks of abuse, neglect, and exploitation. Hawaii's elders are the fastest growing segment in the State. There are just over 84,000 elders that are seventy-five years or older. National estimates of the frequency of abuse towards this population range from five to ten per cent. This suggests that there may be 4,000 or more cases of abuse in Hawaii each year. However, the Department of Human Services indicates that in 2006 it investigated 514 cases. This suggests a large gap between those receiving services and those possibly experiencing abuse.

Under the current law, unless abuse has already occurred and a dependent person is threatened with imminent abuse, Adult Protective Services is unable to offer protective services to the victim. While providing an age component to the law would ensure that certain elders would automatically be included by virtue of their age, some testifiers objected to the possibility of unwarranted government intrusion or intervention.

It is the Committee's intent to extend the protections while placing the fewest possible restrictions on personal liberty. Your Committee has amended this measure by:

- (1) Deleting the definition of "elder";
- (2) Appropriating an unspecified sum of general funds for the Department of Human Services to hire staff and contract services to implement this measure;
- (3) Making the measure effective on July 1, 2008; and



- (4) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services and Public Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1184, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1184, S.D. 1, and be referred to the Committee on Judiciary and Labor.


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


SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Human Services and Public Housing
HSP

Bill / Resolution No.:* SB 1184	Committee Referral: HSP, JDL	Date: 2-6-07		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
SAKAMOTO, Norman				✓
HEMMINGS, Fred	✓			
TOTAL	3	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Clerk's Office Drafting Agency				

*Only one measure per Record of Votes