

Honolulu, Hawaii
Feb 6, 2008

RE: H.B. No. 3128
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Human Services & Housing, to which was referred H.B. No. 3128 entitled:

"A BILL FOR AN ACT RELATING TO ADULT PROTECTIVE SERVICES,"

begs leave to report as follows:

The purpose of this bill is to require caregivers and advocacy service providers to report suspected abuse of a dependent adult to the Department of Human Services (DHS).

DHS, the Office of Hawaiian Affairs, and Kokua Council testified in support of this bill. The State Council on Development Disabilities supported the intent of this measure. The National Association of Social Workers supported the intent of this bill with amendments. The Hawaii Disability Rights Center (HDRC) provided comments.

Your Committee urges stakeholders to form a task force to consider issues raised by HDRC in its written testimony such as clarifying the definition of "abuse" and establishing a definition for "advocacy services", as well as developing reporting mechanisms that are better coordinated and eliminate gaps.

Your Committee has amended this bill by:

- (1) Changing the term "dependent adult" to "vulnerable adult;"



- (2) Specifying that reporting should be within the extent permitted under federal law and where any necessary consent to release information was obtained;
- (3) Including advocacy services, social workers, and informal caregivers as mandated reporters;
- (4) Removing advocacy services specifically for persons with development disabilities, mental illness, and disabilities as mandated reporters;
- (5) Exempting clergy from reporting certain protected communications; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3128, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3128, H.D. 1, and be referred to the Committee on Judiciary.

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



MAILE SHIMABUKURO, Chair



