



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
February 5, 2008

The Honorable Suzanne Chun Oakland, Chair
Senate Committee on Human Services and Housing
Twenty-Fourth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Senator Chun Oakland and Members of the Committee:

SUBJECT: SB 2150 – RELATING TO ADULT PROTECTION

The position and views expressed in this testimony do not represent nor reflect the position and views of the Department of Health and Department of Human Services (DHS).

The State Council on Developmental Disabilities (DD) **SUPPORTS THE INTENT OF SB 2150**. The purpose of SB 2150 is to expand the adult protective services law by extending protections to vulnerable adults and appropriate funds to DHS to implement the bill.

The Council is aware that SB 3049- Relating to Adult Protective Services and SB 3050 – Relating to Adult Protective Services also address protective services to vulnerable adults. We suggest that those bills, in addition to SB 2150, be incorporated into one bill. We defer to DHS regarding their administration bills (SB 3049 and SB 3050) and the National Association of Social Workers (NASW) who have been actively involved with other community groups, such as the Kupuna Caucus on SB 2150.

We would be willing to work with DHS, NASW, and others to incorporate language of the three above-mentioned bills into one bill.

Thank you for the opportunity to submit testimony supporting the intent of SB 2150.

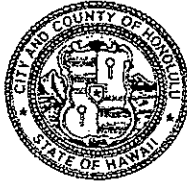
Sincerely,

A handwritten signature in black ink, appearing to read "Wyanette K.Y. Cabral".

Wyanette K.Y. Cabral
Executive Administrator

DEPARTMENT OF COMMUNITY SERVICES
CITY AND COUNTY OF HONOLULU

715 SOUTH KING STREET, SUITE 311 • HONOLULU, HAWAII 96813 • AREA CODE 808 • PHONE: 768-7762 • FAX: 768-7792



MUFI HANNEMANN
MAYOR

DEBORAH KIM MORIKAWA
DIRECTOR

ERNEST Y. MARTIN
DEPUTY DIRECTOR

February 1, 2008

The Honorable Suzanne Chun Oakland, Chair
The Honorable Les Ihara, Jr, Vice Chair
and Members of the Committee on Human Services and Public Housing
The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice Chair
and Members of the Committee on Judiciary and Labor
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Chun Oakland and Taniguchi, Vice Chairs Ihara and Hee, and Members:

Subject: Support of SB 2150, Relating to Adult Protection

The Elderly Affairs Division provides a broad spectrum of services to seniors residing in the City and County of Honolulu and is committed to advocating for their rights. We strongly support SB 2150, Relating to Adult Protection, which would allow the State's Department of Human Services greater flexibility in investigating cases of suspected abuse and prevent future abuse from occurring. Further, it would also make it easier for individuals to make reports of the suspected abuse, neglect and/or exploitation of elderly individuals.

As an agency which both funds and provides services directly, we are aware of the problems faced in making reports of abuse, neglect and/or exploitation. The current law has many valuable provisions to ensure the protection of adults with disabilities. However, when put into practical application over the years, shortcomings of this law have been brought to the surface. One such shortcoming has been the definition of a dependent adult, which excludes many who may not be totally dependent on others but are nonetheless vulnerable. Another provision in the current law requires that an individual needs to have been both abused *and* threatened with imminent abuse. The problem faced by both the elderly individual and those reporting such abuse is that they often do not have enough evidence to satisfy both provisions. SB 2150 will replace the term "dependent" with "vulnerable" and eliminate the criteria of "imminent" abuse when describing persons eligible for intervention by Adult Protective Services.

The Honorable Suzanne Chun Oakland, Chair
The Honorable Les Ihara, Jr, Vice Chair
and Members of the Committee on Human Services and Public Housing
The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice Chair
and Members of the Committee on Judiciary and Labor
February 1, 2008
Page 2

These changes in the current law will allow our state to provide its citizens with the protection and support they deserve. We urge the committee to pass SB 2150. Thank you for this opportunity to testify.

Sincerely



Karen K. Miyake
County Executive on Aging
Elderly Affairs Division

KM:ab

cc: Office of the Mayor



Senate HSP Committee
For hearing on Tues, Feb 5, 2008
1:15 pm
Deliver 1 copy to Rm 226

National Association of Social Workers

Hawaii Chapter

February 3, 2008

TO: Senator Suzanne Chun Oakland, Chair
And members of the Senate Human Services and Public Housing Committee

FROM: Debbie Shimizu, LSW, Executive Director
National Association of Social Workers (NASW)

RE: SB 2150 Relating to Adult Protective Services- **SUPPORT**

Chair Chun Oakland and members of the Senate Human Services and Public Housing Committee, I am Debbie Shimizu, Executive Director of the National Association of Social Workers, Hawaii Chapter. I am testifying in **STRONG SUPPORT of SB 2150 relating to Adult Protective Services.**

Last session, NASW worked with advocates and the Kupuna Caucus on SB 1184 to amend HRS 346 to protect our state's vulnerable adults, however, that bill did not pass out of conference committee. During the interim, the Department of Human Services worked on a draft that incorporated many of the concerns that were expressed as we worked on SB 1184. NASW was invited to review DHS's initial draft and we were able to come to an agreement on a compromise draft. SB 2150 represents a compromise between DHS and NASW relating to changes in Adult Protective Services.

SB 2150 includes the following important changes:

- Adds definition of "vulnerable adult";
- Changes the definition of "abuse";
- Adds new definitions for "caregiver", "caregiver neglect", "financial exploitation", "physical abuse", "psychological abuse", "self neglect", "poor self care", and "sexual abuse";
- Mandates the department to investigate "upon receiving a report that abuse of a vulnerable adult has occurred OR is in danger of occurring if immediate action is not taken"; and
- Adds social workers to the list of mandated reporters when abuse of an elder is suspected.

We appreciate all the work the department has put into this new draft and respectfully request your favorable consideration of this bill.

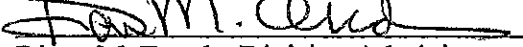
Thank you for the opportunity to testify.



CATHOLIC CHARITIES HAWAII

TO: Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair
Committee on Human Services and Public Housing

Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair
Committee on Judiciary and Labor

FROM: 
Diane M. Terada, Division Administrator

DATE: Tuesday, February 5, 2008 (1:15 p.m., Rm 016)

RE: Support of SB 2150, Relating to Adult Protection

Catholic Charities Hawaii (CCH), is a tax exempt, non-profit agency that has been providing social services in Hawaii for 60 years. **We strongly support SB 2150, Relating to Adult Protection.**

The Agency has been providing supportive home and community based services to elders since 1973 and currently serves approximately 5,000 older persons each year with services ranging from professional counseling and case management to transportation services.

It has been our general experience that when APS accepts a case, they do an excellent job of addressing the needs of the abused/neglected individual. The challenge for provider agencies, like Catholic Charities Hawaii, is the restrictive definition of the current law, which limits the ability of APS to accept cases. SB 2150 would make it possible for APS to address problems at an earlier point, without having to wait for elders/other vulnerable adults to become abused, neglected and lose all hope. It also allows for funds to ensure that APS clients can receive the services they will need to remain safe in the community.

Catholic Charities Hawaii asks for your support of SB 2150, Relating to Adult Protection. Thank you.



The Twenty-Fourth Legislature
Regular Session of 2008

THE SENATE

Committee on Human Services and Public Housing

Senator Suzanne Chun Oakland, Chair

Senator Les Ihara, Jr., Vice Chair

Committee on Judiciary and Labor

Senator Brian T. Taniguchi, Chair

Senator Clayton Hee, Vice Chair

State Capitol, Conference Room 016
Tuesday, February 5, 2008; 1:15 p.m.

**STATEMENT OF THE ILWU LOCAL 142 ON S.B. 2150
RELATING TO ADULT PROTECTION**

The ILWU Local 142 supports S.B. 2150, which expands the adult protective services law by extending protections to vulnerable adults.

The adult protective services law currently requires that the State intervene only when a dependent adult is in need of protection. However, many adults who are living independently may be as much in need of such protection. Amending the law will allow the State to provide services to a greater number of individuals.

The ILWU urges passage of S.B. 2150. Thank you for the opportunity to testify on this measure.

TO: COMMITTEE ON HUMAN SERVICES AND PUBLIC HOUSING
Senator Suzanne Chun Oakland, Chair
Senator Les Ihara, Jr., Vice Chair

COMMITTEE ON JUDICIARY AND LABOR
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

FROM: Sandy Rongitsch, Medical Social Worker
Wailuku, Maui

SUBJECT: SB 2150, RELATING TO ADULT PROTECTION

Hearing: Tuesday, February 5, 2008, 1:15 p.m.
Conference Room 016

Thank you for this opportunity to present testimony.

I support SB 2150 and the proposed amendments which expand and strengthen the DHS' ability to provide protective services for vulnerable adults in a more timely and comprehensive manner.

As a former adult protective services social worker/investigator and now a referring party to APS, the following changes will result in protecting and preventing further abuse of vulnerable adults who are presently "falling through the cracks":

- Changing "dependency" to "vulnerable" recognizes that advance age alone is not sufficient reason to intervene in a person's life; rather, the person's vulnerability to abuse, neglect and exploitation should be the deciding factors.
- Changing "and" to "or" recognizes that vulnerable persons need help when abused "or" are in immediate danger of being abused; the vulnerable person no longer needs to experience abuse before APS intervenes.
- Appropriation of additional funds will make it possible for the DHS to respond to the increase in abuse reports. Additional staff which includes registered nurses will provide the critical nursing/medical assessment piece to address health-related and medical issues such as (but not limited to) skin turgor, malnutrition, dehydration, and skin integrity which could be missed in the social worker's psychosocial assessment

On behalf of community and hospital advocates on Maui, we urge you to support SB 2150. Thank you for your time and consideration.

To the Honorable Members of the Senate Committee on Human Services and Public Housing and the Senate Committee on Judiciary and Labor, who are holding a public hearing on Tuesday, Feb. 5, in Rm. 016 @ 1:15 p.m.

Aloha kakou,

I am in support of SB 2150 which expands the adult protective services law by extending protections to vulnerable adults and appropriates funds to the Dept. of Human Services. Changing the definition from "dependent" to "vulnerable" allows greater protection for an increasingly frail elder population who are, indeed, "vulnerable". Funds to the DHS for the administration of this expanded law, should be appropriated.

Me ka mahalo pono,

John A. H. Tomoso, MSW, ACSW, LSW

Maui County Executive on Aging

808-270-7350

john.tomoso@mauicounty.gov