

STAND. COM. REP. NO.

2050

Honolulu, Hawaii

FEB 08 2016

RE: S.B. No. 2873

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2873 entitled:

"A BILL FOR AN ACT RELATING TO ORDERS FOR IMMEDIATE PROTECTION,"

begs leave to report as follows:

The purpose and intent of this measure is to address an inconsistency in statutory requirements regarding orders for immediate protection by allowing the Department of Human Services discretion when determining whether to seek an order for immediate protection of vulnerable adults.

Your Committee received testimony in support of this measure from the Department of Human Services.

Your Committee finds that section 346-228, Hawaii Revised Statutes, allows but does not require the Department of Human Services to seek an order for immediate protection to prevent abuse. In fiscal year 2015, the Department of Human Services investigated 980 vulnerable adult abuse cases statewide. Of those 980 investigations, orders for immediate protection were sought in approximately 25 cases. The immediate court intervention was necessary because the adults in those cases lacked the capacity to consent to the provision of services, and the action was necessary to ensure their health and safety. In all other cases, the vulnerable adults or their legal representatives were able to give consent for the provision of services, and court intervention was not necessary. This measure will align the language in sections 346-228 and 346-231(a), Hawaii Revised Statutes, thereby

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clarifying the Department of Human Services authority to use other remedies where court intervention would not be appropriate or necessary.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2873 and recommends that it pass Second Reading and be referred to your Committee on Judiciary and Labor.

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



SUZANNE CHUN OAKLAND, Chair



