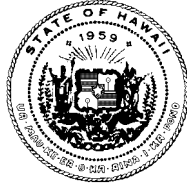


DAVID Y. IGE  
GOVERNOR



PANKAJ BHANOT  
DIRECTOR

CATHY BETTS  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

January 25, 2018

TO: The Honorable John M. Mizuno, Chair  
House Committee on Health and Human Services

FROM: Pankaj Bhanot, Director

SUBJECT: **HB 1858 – RELATING TO ELDER ABUSE**

Hearing: Thursday, January 25, 2018, 9:00 a.m.  
Conference Room 329, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) takes no position at this time and offers comments. It is unclear whether the intent is to include the employees of the Adult Protective and Community Services Branch within the Social Services Division of DHS, and the department respectfully requests clarification. If this is the intent of the measure, the proposed amendment would likely have significant impact on the department's ability to recruit and retain skilled and experienced staff to provide the protective and supportive services to vulnerable adults and their families.

**PURPOSE:** The purpose of the bill is to specify the caregivers against whom the Attorney General may bring a civil action on behalf of the State for alleged abuse of a dependent elder to include employees or agents of the State whose duty is to oversee or manage the financial affairs of a dependent elder. The proposed amendment to section 28-94, Hawaii Revised Statutes (HRS), expands the definition of caregiver to include employees or agents of the State who have any involvement in assessing a dependent elder's mental capacity, or any involvement in the oversight or management of a dependent elder's financial affairs, or both.

Thank you for the opportunity to testify on this bill.

**HB-1858**

Submitted on: 1/22/2018 10:55:33 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Scott Foster		Support	No

Comments:

Mahalo,

Scott Foster, Chair

The Kupuna Caucus of the Democratic Party of Hawai`i

**HB-1858**

Submitted on: 1/23/2018 8:59:38 AM

Testimony for HHS on 1/25/2018 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dawn Tanimoto		Support	No

Comments:

**HB-1858**

Submitted on: 1/23/2018 11:12:56 AM

Testimony for HHS on 1/25/2018 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kama Hopkins		Support	No

Comments:

**HB-1858**

Submitted on: 1/23/2018 11:14:14 AM

Testimony for HHS on 1/25/2018 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Bob Lindsey		Support	No

Comments:

**HB-1858**

Submitted on: 1/23/2018 3:08:47 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jim Cisler	Individual	Support	No

## Comments:

Everyone deserves better and stronger safeguards to their inalienable rights. An essential part of those rights include making all government agencies and agents accountable for their actions. Exemptions that allow the interpretive warping of applicable law simply to suit the needs of the few over the many is egregious. Change the law. Broaden the scope of protection for elders as well as for the vulnerable in our communities.

**HB-1858**

Submitted on: 1/24/2018 2:19:56 PM

Testimony for HHS on 1/25/2018 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shane Akoni Nelsen		Support	No

Comments:

TO: HOUSE OF REPRESENTATIVES OF THE TWENTY-NINTH LEGISLATURE  
REGULAR SESSION OF 2018

FROM: ROBERT B. SHOOK -74-5103 UHI UHI PLACE, KAILUA-KONA, HI 96740

RE: SUPPORT HB 1858

To: Whom It May Concern,

My name is Robert Shook and I strongly support HB 1858. I believe the term "caregiver" should be given to any person who has legal power to care for an elderly person be it legal, medical or financial authority of their person or personal properties.

Elder abuse is an ongoing problem throughout the state where the elderly and children are the most preyed upon victims. The elderly have valuable property for those who seek to gain (land and money) but they are not always the first to say they were abused. Many don't even realize they were robbed until they are living with family members or homeless and on the streets.

Family members are not the only ones who prey on the elderly. We put our kupuna in the hands of people who hold authoritative positions, people you place your trust in to properly care for them (care homes, hospitals, etc.) and those within the state and/or county agencies. Who should they call or complain to when someone in an authoritative position is the wrong doer?

I hope that with the passing of this bill, more people will take the seriousness of elder abuse to heart and develop easier ways for the elderly to report abuse from caregivers and that anyone no matter their position be held accountable. No person is above the law.

Thank you,

Robert Shook



Will upload  
HB 1858

Ms. Jojo Tanimoto  
P.O. Box 44337  
Kawaihae, Hawaii 96743  
Cell Phone No.: 808-895-5226  
Email: [mumukukawaihae@yahoo.com](mailto:mumukukawaihae@yahoo.com)

January 25, 2018

Hawaii State Legislature  
415 South Beretania St.  
Honolulu, HI 96813

RE: SUPPORT FOR HB 1858-Relating to Elderly Abuse (HHS. FIN)

Dear Sir

I am writing this letter because I believe the Adult Protective Services (APS) needs to be accountable for their actions. If this has been the procedure in the past, it needs to be amended. The elderly couple I use as my reference, has been unjustly dealt with by an employee of this agency.

This elderly couple, the man is in his 90's and his wife who was in her late 80's, had no children but a large extended family unit. They worked hard in their youth and had a two-story large home with a duplex cottage on their property, in fee. They had jewelry on the property and cash for their home needs. There was no illness and no physician directive to remove them from their home. They did not want to leave their home. It took a noise complaint from the couple on the premises to ultimately remove this couple from all of their possessions. These assets would have gone to auction to pay for the expenses of living in a facility; a facility they did not want to live at; but had no alternatives allowed to them.

This couple on the property had free rent. They were the landscaper and housekeeper. This elderly couple were not destitute, which probably motivated this agent to move this family and be able to buy their possessions--- for personal reasons. How they would have lost their possessions is the focal point for needing a felonious measure to assure the protection of kupuna. This incident should not happen when the agency has the responsibility of protecting the Kupuna.

It is hurtful to think this could happen to my elderly family members who I know worked hard all their lives to get what they have. It is extremely hurtful to think my children would not have been consulted and this procedure happened to me. Please support HB 1858.

Mahalo

Jojo Tanimoto  
Resident of Kawaihae

Ms. Jojo Tanimoto