
A BILL FOR AN ACT

RELATING TO A SENIOR ADVOCATE PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that Hawaii's senior
2 population is quickly growing. In 2015, persons sixty-five
3 years of age or older comprised more than sixteen per cent of
4 the population. This figure is expected to reach twenty-two per
5 cent by 2030. The legislature also finds that nearly twenty per
6 cent of Hawaii's seniors live alone. While a person should not
7 be considered vulnerable merely because of advanced age, the
8 legislature believes that seniors are at greater risk of
9 isolation and abuse.

10 The legislature further finds that other states have
11 programs in which unpaid volunteers from the community are
12 trained by the court to assist seniors who are unable to handle
13 their personal affairs or protect their own interests, or just
14 need a friend to confide in. Volunteers may assist by
15 monitoring finances, health care, and other areas of concern.
16 Volunteers may also investigate whether a vulnerable senior is
17 an appropriate candidate for a guardianship and ensure



1 compliance with court orders after a guardianship has been
2 established. Rather than duplicate existing court efforts,
3 these volunteers provide valuable oversight by assisting the
4 court with additional insights and information about the
5 senior's situation. The legislature believes that Hawaii's
6 seniors would greatly benefit from this type of program.

7 The purpose of this Act is to require the judiciary to
8 study the feasibility of establishing a volunteer-based senior
9 advocate program in the family courts of the State that would
10 complement existing efforts to assist persons involved in adult
11 protective proceedings pursuant to chapter 346, Hawaii Revised
12 Statutes.

13 SECTION 2. (a) The judiciary shall study the feasibility
14 of establishing a volunteer-based senior advocate program in the
15 family courts of the State that would complement existing
16 efforts to assist persons involved in adult protective
17 proceedings pursuant to chapter 346, Hawaii Revised Statutes.

18 The factors to be studied shall include:

- 19 (1) Screening of program volunteers, including criminal
20 history record checks;



- 1 (2) Volunteer training and certification requirements and
- 2 procedures;
- 3 (3) Program rules and operating procedures; and
- 4 (4) Financial costs associated with:
 - 5 (A) Acquisition of office space or other physical
 - 6 facilities necessary to operate the program;
 - 7 (B) Training and certification of volunteers;
 - 8 (C) Reimbursement to volunteers for transportation,
 - 9 parking, or other expenses incurred in the
 - 10 performance of volunteer duties; and
 - 11 (D) Other foreseeable operational costs.
- 12 (b) The judiciary shall submit a report of its feasibility
- 13 study, including its findings, recommendations, and any proposed
- 14 legislation regarding the factors specified in subsection (a),
- 15 to the legislature no later than twenty days prior to the
- 16 convening of the regular session of 2020.

17 SECTION 3. This Act shall take effect upon its approval.

18 INTRODUCED BY: Cindy Evans
JAN 22 2018



H.B. NO. 2242

Report Title:

Seniors; Senior Advocate Program; Judiciary; Feasibility Study

Description:

Requires the judiciary to study the feasibility of establishing a volunteer-based senior advocate program in the family courts of the State that would complement existing efforts to assist persons involved in adult protective proceedings pursuant to chapter 346, Hawaii Revised Statutes. Requires a report to the 2020 Legislature.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.





The Judiciary, State of Hawai‘i

Testimony to the House Committee on Health & Human Services

Representative John M. Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

Wednesday, February 7, 2018 10:30 AM
State Capitol, Conference Room 329

By
Catherine H. Remigio
Senior Judge, Deputy Chief Judge
Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2242, Relating to a Senior Advocate Program

Purpose: Requires the judiciary to study the feasibility of establishing a volunteer-based senior advocate program in the family courts of the State that would complement existing efforts to assist persons involved in adult protective proceedings pursuant to chapter 346, Hawaii Revised Statutes. Requires a report to the 2020 Legislature.

Judiciary's Position:

The Judiciary supports the intent of this bill. However, such a program is better suited to be studied and implemented by the Department of Human Services.

The Department of Human Services (“Department” or “DHS”) is already tasked with, and doing a good job of, applying the Adult Protective Services Act to vulnerable adults. DHS receives oral and written reports identifying vulnerable adults and their situations. DHS has access to records and the authority to conduct investigations. In discharging their duties, the department works very closely with the vulnerable person, his/her relatives and friends, and other state and non-profit helping agencies.

The Department’s social workers try to apply least intrusive alternatives and the fewest possible restrictions as a first solution. In fact, the Department has the authority to resolve these matters “in an informal fashion as is appropriate under the circumstances.” HRS § 346-228(1).



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House Committee on Health & Human Services
Wednesday, February 7, 2018 at 10:30 a.m.
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These cases only appear in Family Court if the Department seeks an order for immediate protection or files a Petition.

The Judiciary does not have sufficient staff or resources to effectively conduct such a study. In that regard, we defer to the Department of Human Services to examine and evaluate the merits of establishing a volunteer-based senior advocate program to assist them in their work with vulnerable adults.

Thank you for the opportunity to testify on this measure.