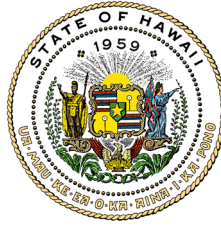


DAVID Y. IGE  
GOVERNOR OF HAWAII

ELIZABETH A. CHAR, M.D.  
DIRECTOR OF HEALTH



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STATE OF HAWAII  
EXECUTIVE OFFICE ON AGING  
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HONOLULU, HAWAII 96813-2831

**Testimony in SUPPORT of HB 980 HD1  
Relating to Adult Protective Services**

COMMITTEE ON HUMAN SERVICES  
SENATOR JOY A. SAN BUENAVENTURA, CHAIR  
SENATOR LES IHARA, JR, VICE CHAIR

Testimony of Caroline Cadirao  
Director, Executive Office on Aging  
Attached Agency to the Department of Health

Hearing Date: March 16, 2021  
3:00 p.m.

Room Number: 329  
Via Videoconference

1 **EOA's Position:** The Executive Office on Aging (EOA), an attached agency of the Department  
2 of Health (DOH), is in strong support of House Bill 980 HD1, Relating to Adult Protective  
3 Services.

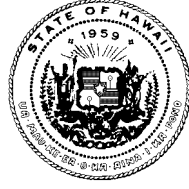
4 **Purpose and Justification:** The purpose of this bill is to amend HRS 346-229, subsection (b) to  
5 broaden the Department of Human Services' right of entry into a vulnerable adult's premises  
6 without a warrant for an investigation of any type of abuse regardless of whether there is  
7 physical injury.

8 Elder abuse continues to be a "hidden" problem and continues to be underreported and often  
9 unrecognized. Reports of elder abuse continue to rise as Hawaii's elderly population grows.

10 Amending the current statute, HRS 346-229 (b), to expand the reported abuse from physical  
11 injury to "imminent abuse" as defined in HRS 346-222 will allow the Department to fully

- 1 investigate and assess reports of all types of abuse, including but not limited to physical abuse,
- 2 psychological abuse, sexual abuse, financial exploitation, caregiver neglect, and self-neglect.
- 3 EOA strongly supports this bill. Expanding the Department's ability to investigate and assess all
- 4 types of abuse offers help and hope to vulnerable adults who may be victims of abuse.
- 5 Thank you for this opportunity to testify.

DAVID Y. IGE  
GOVERNOR



CATHY BETTS  
DIRECTOR

JOSEPH CAMPOS II  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339  
Honolulu, Hawaii 96809-0339

March 14, 2021

TO: The Honorable Senator Joy A. San Buenaventura, Chair  
Senate Committee on Human Services

FROM: Cathy Betts, Director

SUBJECT: **HB 980 HD1 – RELATING TO RIGHT TO ENTRY**

Hearing: March 16, 2021, 3:00 p.m.  
Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) strongly supports this administration measure.

The House Committee on Health, Human Services, and Homelessness amended the measure by defecting the effective date and making technical amendments. The House Committee on Judiciary & Hawaiian Affairs passed the measure unamended. This Committee passed the Senate companion SB1134 with technical amendments.

**PURPOSE:** The purpose of the bill broadens the Department of Human Services' right of entry into a vulnerable adult's premises to cover situations in which there is probable cause to believe a vulnerable adult is subject to any type of abuse, regardless of whether there is physical injury. Effective 7/1/2060. (HD1)

DHS Adult Protective & Community Services (APS) staff need broader authority to enter a vulnerable adult's home to ascertain the adult's welfare. Per section 346-222, Hawaii Revised Statutes (HRS), abuse against vulnerable adults is not limited to the visible injuries of physical abuse. Caregiver neglect, self-neglect, and financial exploitation are the most common types of abuse for which injuries are not necessarily visible.

Currently, section 346-229 (b), HRS, allows DHS to enter a vulnerable adult's premises without a warrant only when there is probable cause to believe that the vulnerable adult will be physically injured. As described above, abuse against vulnerable adults is not limited to physical abuse.

The proposal expands reported abuse from physical injury to "imminent abuse," as defined in section 346-229 (b), HRS. The proposal will allow DHS the right of entry for all reported forms of "imminent abuse" against vulnerable adults. DHS can more rapidly assess the vulnerable adult, interrupt the reported abuse(s), initiate an investigation, and make prompt referrals to address and/or reduce the severity of risk and harms resulting from the reported abuse(s).

If left unchanged, the current law will continue to restrict entry to alleged physical abuse reports only and reduces DHS' ability to assess and investigate reports of alleged financial exploitation, caregiver neglect, self-neglect, psychological abuse, and sexual abuse. Currently, DHS needs to obtain a court ordered warrant prior to entry into the vulnerable adult's premises, prolonging the time to intervene in the reported abuse.

Delays to intervene in these cases could lead to further loss of financial resources to sustain the vulnerable adult in his or her home, shut-off or disconnect of the home's utilities, lack of health or physical assistance, or prolonged psychological, or sexual abuse.

DHS recognizes our responsibility to place the fewest possible restrictions on a vulnerable adult's personal liberty and to permit the vulnerable adult to exercise their constitutional rights consistent with protection from abuse. The privacy of a vulnerable adult's premises, whether their home or other place of residence, is paramount to a vulnerable adult's self-determination. However, reports of abuse against vulnerable adults continue to rise as Hawaii's population ages. With this proposal, DHS intends to be proactive against elder abuse.

Thank you for the opportunity to provide comments on this measure.

**HB-980-HD-1**

Submitted on: 3/15/2021 8:03:17 AM

Testimony for HMS on 3/16/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
HMS APCS (Lisa Amador)	Testifying for DHS APCS	Support	No

Comments:

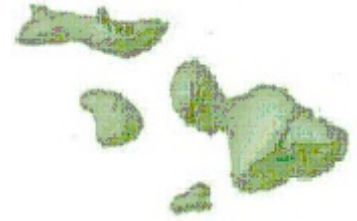
Available only to assist with answering questions asked of DHS. Testimony submitted separately.

**MICHAEL P. VICTORINO**  
M ayor

**ANDREW H. MARTIN**  
Prose cuting Attorney

**MICHAEL S. KAGAMI**  
First Deputy Prosecuting Attorney

**ROBERT D. RIVERA**  
Second Deputy Prosecuting Attorney



**DEPARTMENT OF THE PROSECUTING ATTORNEY**  
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TESTIMONY  
ON  
H.B. 980 HD1 RELATING TO  
ADULT PROTECTIVE SERVICES

March 15, 2021

The Honorable Joy A. San Buenaventura  
Chair  
The Honorable Les Ihara, Jr.  
Vice Chair  
and Members of the Committee on Human Services

Chair San Buenaventura, Vice Chair Ihara, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments concerning H.B. 980 HD1, Relating to Adult Protective Services. We would like to express our general support for H.B. 980 HD1. We agree with the sponsors of this bill that the abuse of vulnerable adults can take many forms, including financial exploitation and psychological abuse. We believe that vulnerable adults deserve to be protected from all forms of abuse, and expanding the right of entry statute to include non-physical forms of abuse would be a significant step towards achieving that goal.

For these reasons, the Department of the Prosecuting Attorney, County of Maui supports the passage of H.B. 980 HD1. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.

**HB-980-HD-1**

Submitted on: 3/13/2021 1:24:11 PM

Testimony for HMS on 3/16/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Goodman	Testifying for Mike Goodman Attorney at Law LLLC	Support	No

Comments:

Thank you for the opportunity to testify in strong support of HB980. Abuse of vulnerable elders, and financial abuse in particular is epidemic. About one in five Americans over 60 will become a victim of financial abuse at some point in their lives. And the reality may be worse than the statistics: Some studies from the mainland show there may be forty-four times as many unreported claims as there are reported claims. Frequently, the perpetrators of financial abuse are family members, many of whom are trying to cheat other family members out of their inheritance. This bill should become law because it strengthens Adult Protective Services' ability to investigate all types of abuse. Mahalo for your time.



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[facebook.com/AARPHawaii](https://facebook.com/AARPHawaii)

**The State Legislature  
The Senate  
Committee on Human Services  
Tuesday, March 16, 2021  
3:00 p.m.**

TO: The Honorable Joy San Buenaventura, Chair

RE: H.B. 980, HD1 Relating to Adult Protective Services

Aloha Chair San Buenaventura and Members of the Committee:

My name is Keali'i Lopez and I am the State Director for AARP Hawai'i. AARP is a membership organization of people age fifty and over, with nearly 145,000 members in Hawai'i.

AARP Hawai'i supports H.B. 980, HD 1 which broadens the Department of Human Services' right of entry into a vulnerable adult's premises to cover situations in which there is probable cause to believe a vulnerable adult is subject to any type of abuse, regardless of whether there is a physical injury.

The proposal expands reported abuse from physical injury to "imminent abuse," as defined in section 346-229 (b), HRS. It will allow DHS the right of entry for all reported forms of "imminent abuse" against vulnerable adults. This will include alleged financial exploitation, caregiver neglect, self-neglect, psychological abuse, and sexual abuse. Currently, DHS needs to obtain a court ordered warrant prior to entry into the vulnerable adult's premises, prolonging the time to intervene in the reported abuse. Such delays will place our kupuna at further risk of their overall well-being and safety.

Thank you very much for the opportunity to support H.B. 980, HD1.

Sincerely,

A handwritten signature in black ink, appearing to read "Keali'i Lopez".

Keali'i Lopez, AARP Hawai'i  
State Director



**HB-980-HD-1**

Submitted on: 3/12/2021 1:13:02 PM

Testimony for HMS on 3/16/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lynn Murakami-Akatsuka	Individual	Support	No

Comments:

I strongly support the passage of HB 980, HD 1 Relating to Adult Protective Services. This an excellent bill and a needed one to become law. This will enable the Department of Human Services right of entry into a vulnerable adult's premises to cover situations beyond physical injury.

We have many elders in their late 80's through 90's living alone or with a spouse in our neighborhood. We are experiencing a situation right now. Adult Protective Services would be able to intervene quickly to remedy an increasing crisis in an elder's home and alleviating serious injury and death. Please pass this bill this session.

Thank you for the opportunity to testify in strong support of HB 980, HD 1.

**HB-980-HD-1**

Submitted on: 3/12/2021 4:16:32 PM

Testimony for HMS on 3/16/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Mariano	Individual	Support	No

Comments:

I am in strong support of this bill. We must protect our elders/older adults against all forms of abuse.