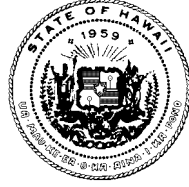


DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

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

February 20, 2021

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Cathy Betts, Director

SUBJECT: **SB 1134 SD1 – RELATING TO RIGHT TO ENTRY.**

Hearing: February 24, 2021, 9:45 a.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) strongly supports this administration measure. The Senate Committee on Human Services made technical non substantive amendments.

PURPOSE: The purpose of the bill broadens the department of human services employees' right of entry into a vulnerable adult's premises from physical abuse to abuses as defined in section 346-222, Hawaii Revised Statutes. (SD1)

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.

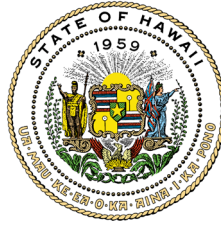
Delays to intervene in these cases could lead to further loss of financial resources to sustain the vulnerable adult in his or her home, shut-off or disconnect of the home’s utilities, lack of health or physical assistance, or prolonged psychological, or sexual abuse.

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.

DAVID Y. IGE
GOVERNOR OF HAWAII

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



CAROLINE CADIRAO
DIRECTOR

Telephone
(808) 586-0100

Fax
(808) 586-0185

STATE OF HAWAII
EXECUTIVE OFFICE ON AGING
NO. 1 CAPITOL DISTRICT
250 SOUTH HOTEL STREET, SUITE 406
HONOLULU, HAWAII 96813-2831

**Testimony in SUPPORT of SB 1134 SD1
Relating to Adult Protective Services**

COMMITTEE ON JUDICIARY
SENATOR KKARL RHOADS, CHAIR
SENATOR JARRETT KEOHOKALOLE, VICE CHAIR

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

Hearing Date: February 24, 2021 Via Videoconference
9:45a.m.

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 Senate Bill 1134 SD1, 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.