
A BILL FOR AN ACT

RELATING TO ADULT PROTECTIVE SERVICES.

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

1 SECTION 1. The legislature finds that reports of abuse
2 against vulnerable adults continue to rise as Hawaii's
3 population ages. Although the department of human services is
4 authorized to enter premises without a warrant for purposes of
5 investigation of abuse to vulnerable adults, existing law limits
6 that right of warrantless entry to only situations where there
7 is probable cause to believe that a vulnerable adult will be
8 physically injured.

9 The legislature further finds that under state law, abuse
10 includes not only physical abuse, but also psychological abuse,
11 sexual abuse, financial exploitation, caregiver neglect, or
12 self-neglect. All of these forms of abuse can result in
13 damaging losses to the vulnerable adult's mental health,
14 welfare, and financial stability. Additionally, vulnerable
15 adults may suffer multiple forms of abuse in combination.

16 The purpose of this Act is to broaden the department of
17 human services' right of entry into a vulnerable adult's



1 premises without a warrant for an investigation of caregiver
2 neglect, self-neglect, or physical abuse.

3 SECTION 2. Section 346-229, Hawaii Revised Statutes, is
4 amended to amend subsection (b) to read as follows:

5 "(b) Any employee of the department engaged in an
6 investigation under this part, having probable cause to believe
7 that a vulnerable adult will be [~~physically~~] injured through
8 [~~abuse~~] caregiver neglect, self-neglect, or by physical abuse
9 before a court order for entry can be obtained, without a
10 warrant, may enter upon the premises where the vulnerable adult
11 may be found for the purpose of ascertaining that person's
12 welfare. Where a warrantless entry is authorized under this
13 section, the employee of the department may request the
14 assistance of a police officer to gain entrance."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Department of Human Services; Right of Entry; Vulnerable Adults;
Abuse

Description:

Broadens the Department of Human Services' right of entry without a warrant into a vulnerable adult's premises to cover situations in which there is probable cause to believe a vulnerable adult will be injured through caregiver neglect, self-neglect, or by physical abuse. (SD2)

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