

A Bill for an Act Relating to Adult Protective Services.

*Be It Enacted by the Legislature of the State of Hawaii:*

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

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

The purpose of this Act is to broaden the department of human services' right of entry into a vulnerable adult's premises without a warrant for an investigation of caregiver neglect, self-neglect, or physical abuse.

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

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

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 Statutory material to be repealed is bracketed and stricken.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

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

(Approved July 12, 2022.)