

S.B. NO. 2873

JAN 27 2016

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A BILL FOR AN ACT

RELATING TO ORDERS FOR IMMEDIATE PROTECTION.

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

1 SECTION 1. Section 346-231, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) If the department believes that a person is a  
4 vulnerable adult and it appears probable that the vulnerable  
5 adult has incurred abuse or is in danger of abuse if immediate  
6 action is not taken and the vulnerable adult consents, or if the  
7 vulnerable adult does not consent and there is probable cause to  
8 believe that the vulnerable adult lacks the capacity to make  
9 decisions concerning the vulnerable adult's person, the  
10 department [~~shall~~] may seek an order for immediate protection in  
11 accordance with this section."

12 Section 2. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 Section 3. This Act shall take effect upon its approval.  
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17 INTRODUCED BY:                     *M. N. W.*                    

18 BY REQUEST

S.B. NO. 2873

**Report Title:**

Orders For Immediate Protection

**Description:**

Amends section 346-231, Hawaii Revised Statutes, to address inconsistencies in statutory requirements regarding orders for immediate protection; and allows the Department of Human Services discretion when to seek an order for immediate protection of vulnerable adults.

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

JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: A BILL FOR AN ACT RELATING TO ORDERS FOR IMMEDIATE PROTECTION.

PURPOSE: To allow the Department of Human Services discretion when to seek an order for immediate protection of a vulnerable adult.

MEANS: Amend section 346-231(a), Hawaii Revised Statutes (HRS).

JUSTIFICATION: Section 346-231(a), HRS, is being amended to clarify that the department may seek an order for immediate protection when the department deems it appropriate under the circumstances. Seeking an order for immediate protection is one of the many remedial actions that the department is authorized to do, pursuant to section 346-228, HRS. The word "shall" is being deleted and replaced with the word "may" to clarify that the department has the option to seek an order for immediate protection when appropriate under the circumstances, and is not required to do so when other remedial actions to resolve matters are available and appropriate to prevent further abuse of the vulnerable adult.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HMS 601.

OTHER AFFECTED AGENCIES: Judiciary (Family Court); Department of the Attorney General, Family Law Division.

EFFECTIVE DATE:       Upon approval.