

Honolulu, Hawaii

MAR 21 2016

RE: H.B. No. 2344
H.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 2344, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO ORDERS FOR IMMEDIATE PROTECTION,"

begs leave to report as follows:

The purpose and intent of this measure is to address an inconsistency in statutory requirements regarding orders for immediate protection by allowing the Department of Human Services discretion when determining whether to seek an order for immediate protection of vulnerable adults.

Your Committee received testimony in support of this measure from the Department of Human Services.

Your Committee finds that section 346-228, Hawaii Revised Statutes, allows but does not require the Department of Human Services to seek an order for immediate protection to prevent abuse. In fiscal year 2015, the Department of Human Services investigated 980 vulnerable adult abuse cases statewide. Of those 980 investigations, orders for immediate protection were sought in approximately 25 cases. The immediate court intervention was necessary because the adults in those cases lacked the capacity to consent to the provision of services, and the action was necessary to ensure their health and safety. In all other cases, the vulnerable adults or their legal representatives were able to give consent for the provision of services, and court intervention was not necessary. This measure will align the language in sections



346-228 and 346-231(a), Hawaii Revised Statutes, thereby clarifying the Department of Human Services' authority to use other remedies where court intervention would not be appropriate or necessary.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2344, H.D. 2, and recommends that it pass Second Reading and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,




SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2344 HD2	HMS, JDL	3/15/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)				/
RIVIERE, Gil (VC)	/			
GREEN, Josh	/			
HARIMOTO, Breene				/
RUDERMAN, Russell E.	/			
THIELEN, Laura H.	/			
SLOM, Sam				/
TOTAL	4			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes