



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Commerce, Consumer Protection and Health

Senator Rosalyn H. Baker, Chair
Senator Michelle N. Kidani, Vice Chair

Thursday, March 17, 2016, 9:45 a.m.
State Capitol, Conference Room 229

WRITTEN TESTIMONY ONLY

by
R. Mark Browning
Senior Judge, Deputy Chief Judge
Family Court of the First Circuit

Bill No. and Title: House Bill No. 2559, H.D.1, Relating to Mental Health

Purpose: Assisted community treatment as alternative to involuntary hospitalization.

Judiciary's Position:

The Judiciary takes no position on this bill and respectfully offers the following comments.

On February 23, 2016, the Department of Health submitted testimony on House Bill No. 2559, H.D. 1 to the House Committee on Judiciary, noting on page 1, lines 8-10:

“The use of ACT [assisted community treatment] in the State of Hawaii has been minimal. From the time the ACT went into effect through June 30, 2015, no petitions for ACT have been granted by Family Courts.”



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In order to clarify the reasons for the minimal use of ACT, we offer the following information about the cases that have been brought before the courts.

1. One case was filed in the Third Circuit (Big Island), which was withdrawn by the petitioner.
2. Only three cases were filed in the First Circuit. One case was dismissed. One case was withdrawn by the petitioner. The third case was filed by the Department of the Attorney General and the parties agreed to the granting of the ACT petition.

Thank you for the opportunity to comment on this measure.