



*The Judiciary, State of Hawai‘i*

**Testimony to the House Committee on Human Services**

Representative Dee Morikawa, Chair  
Representative Chris Todd, Vice Chair

Friday, February 15, 9:00 a.m.  
State Capitol, Conference Room 329

By

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

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 525, Relating to Orders for Immediate Protection

**Purpose:** Requires findings prior to issuance of an order for immediate protection in certain cases.

**Judiciary's Position:**

The Judiciary takes no position on this bill but respectfully offers these comments.

Requiring the Department of Human Services (DHS) to provide “substantial evidence” as opposed to “probable cause to believe” allegations in cases where the vulnerable adult is living in his/her own residence and “has a prognosis of six months or less to live” appears to put a particularly vulnerable sub-section of an already vulnerable population at increased risk. We are also concerned about the prognosis that is required to be alleged in the petition. In many of the current cases, the vulnerable adult is often unable to give accurate medical information and history. Without the ability of the DHS to file and proceed with a petition based on probable cause, there would not be a mechanism that would allow the DHS to investigate for further “substantial evidence” or to establish the required prognosis.

Thank you for the opportunity to provide testimony on this measure.