



The Judiciary, State of Hawai'i

Testimony to the Senate Committee on Judiciary and Labor

Senator Gilbert S. C. Keith-Agaran, Chair

Senator Karl Rhoads, Vice Chair

Wednesday, February 22, 2017, 9:15 a.m.

State Capitol, Conference Room 016

By

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Family Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 747, 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 living in his/her own residence and “has a prognosis of six months or less to live” appears to put a particularly vulnerable section of an already vulnerable population at increased risk. We are also concerned about the required prognosis. 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 a petition based on probable cause, there would not be a mechanism that would allow the DHS to investigate “substantial evidence” or to establish the required prognosis.

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