
HOUSE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO ESTABLISH AN APPROPRIATE FEE FOR
COURT-ORDERED FORENSIC EVALUATIONS AND TO PROVIDE COPIES OF
THE EXAMINATION REPORTS TO THE DEPARTMENT OF HEALTH.

1 WHEREAS, the Hawaii Disability Rights Center studied a
2 pretrial detainees who were the subject of court-ordered
3 forensic examinations in 2001 and 2002; and
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5 WHEREAS, in response to concerns raised in this study, the
6 Legislature has considered various measures aimed at
7 streamlining the forensic evaluation process; and
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9 WHEREAS, one particular source of delay which has been
10 acknowledged is the inadequate compensation paid to the
11 psychiatrists and psychologists who conduct the forensic
12 evaluations; and
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14 WHEREAS, this results in a lack of available professionals
15 willing to undertake this function, thereby contributing
16 substantially to the lengthy evaluation process; and
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18 WHEREAS, the fee for forensic evaluations is currently set
19 by Circuit Court Part D Criminal Administrative Order No. 4.1 at
20 \$500; and
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22 WHEREAS, this fee is a flat fee which does not take into
23 account the number of hours devoted to conducting the
24 evaluation; and
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26 WHEREAS, this fee has not been raised by the Judiciary
27 since 1992; and
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29 WHEREAS, the Legislature believes that if the fee were
30 increased to an appropriate level of compensation, more
31 professionals would be willing to conduct these evaluations,
32 thereby expediting the process;
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1 WHEREAS, while the Adult Mental Health Division of the
2 Department of Health currently certifies those psychiatrists or
3 psychologists who are appointed by the court to conduct forensic
4 evaluations, the Department of Health has no statutory authority
5 to monitor the quality or consistency of the reports; and
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7 WHEREAS, this lack of a formal mechanism for the Department
8 of Health to receive or review the examination reports further
9 hinders the identification of the causes of delays in the
10 evaluation process; and
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12 WHEREAS, if the Department of Health could review the
13 forensic reports, it could better monitor the overall system of
14 mental health examinations, provide quality control oversight,
15 and ensure that the reports are thorough, more consistent, and
16 timely; and
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18 WHEREAS, while there is no statutory mandate for the court
19 to provide copies of the forensic reports to the Department of
20 Health, neither is there a statutory prohibition; now,
21 therefore,
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23 BE IT RESOLVED by the House of Representatives of the
24 Twenty-third Legislature of the State of Hawaii, Regular Session
25 of 2006, the Senate concurring, that the Legislature requests
26 that the Judiciary evaluate and increase the fees for forensic
27 evaluations to an adequate level as it determines and to submit
28 as part of its biennium budget request to the next Legislature
29 an appropriation request sufficient to provide for any
30 additional expenditures required as a result thereof; and
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32 BE IT FURTHER RESOLVED that the Legislature requests the
33 Judiciary to provide, at the conclusion of the proceeding, a
34 copy of the forensic evaluation report and any supporting
35 documents to the Chief of Forensics of the Adult Mental Health
36 Division of the Department of Health for the purposes of quality
37 control; and
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39 BE IT FURTHER RESOLVED that certified copies of this
40 Concurrent Resolution be transmitted to the Chief Justice of the
41 Hawaii Supreme Court, the Chief of Forensics of the Adult Mental
42 Health Division of the Department of Health, the Hawaii
43 Psychiatric Association, the Hawaii Psychology Association, and
44 the Hawaii Disability Rights Center.