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# HOUSE 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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34           WHEREAS, while the Adult Mental Health Division of the  
35 Department of Health currently certifies those psychiatrists or

1 psychologists who are appointed by the court to conduct forensic  
2 evaluations, the Department of Health has no statutory authority  
3 to monitor the quality or consistency of the reports; and  
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5 WHEREAS, this lack of a formal mechanism for the Department  
6 of Health to receive or review the examination reports further  
7 hinders the identification of the causes of delays in the  
8 evaluation process; and  
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10 WHEREAS, if the Department of Health could review the  
11 forensic reports, it could better monitor the overall system of  
12 mental health examinations, provide quality control oversight,  
13 and ensure that the reports are thorough, more consistent, and  
14 timely; and  
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16 WHEREAS, while there is no statutory mandate for the court  
17 to provide copies of the forensic reports to the Department of  
18 Health, neither is there a statutory prohibition; now,  
19 therefore,  
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21 BE IT RESOLVED by the House of Representatives of the  
22 Twenty-third Legislature of the State of Hawaii, Regular Session  
23 of 2006, that the Legislature requests that the Judiciary  
24 evaluate and increase the fees for forensic evaluations to an  
25 adequate level as it determines and to submit as part of its  
26 biennium budget request to the next Legislature an appropriation  
27 request sufficient to provide for any additional expenditures  
28 required as a result thereof; and  
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30 BE IT FURTHER RESOLVED that the Legislature requests the  
31 Judiciary to provide, at the conclusion of the proceeding, a  
32 copy of the forensic evaluation report and any supporting  
33 documents to the Chief of Forensics of the Adult Mental Health  
34 Division of the Department of Health for the purposes of quality  
35 control; and  
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37 BE IT FURTHER RESOLVED that certified copies of this  
38 Resolution be transmitted to the Chief Justice of the Hawaii  
39 Supreme Court, the Chief of Forensics of the Adult Mental Health  
40 Division of the Department of Health, the Hawaii Psychiatric  
41 Association, the Hawaii Psychology Association, and the Hawaii  
42 Disability Rights Center.  
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