

JAN 20 2023

A BILL FOR AN ACT

RELATING TO ASSISTED COMMUNITY TREATMENT ORDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 334-127, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) If after hearing all relevant evidence, including the
4 results of any diagnostic examination ordered by the family
5 court, the family court finds that the criteria for assisted
6 community treatment under section 334-121(1) have been met
7 beyond a reasonable doubt and that the criteria under section
8 334-121(2) to 334-121(4) have been met by clear and convincing
9 evidence, the family court shall order the subject to obtain
10 assisted community treatment for a period of no more than [~~one~~
11 ~~year.~~] two years. The written treatment plan submitted pursuant
12 to section 334-126(g) shall be attached to the order and made a
13 part of the order.

14 If the family court finds by clear and convincing evidence
15 that the beneficial mental and physical effects of recommended
16 medication outweigh the detrimental mental and physical effects,
17 if any, the order may authorize types or classes of medication



1 to be included in treatment at the discretion of the treating
2 psychiatrist or advanced practice registered nurse with
3 prescriptive authority and who holds an accredited national
4 certification in an advanced practice registered nurse
5 psychiatric specialization.

6 The court order shall also state who should receive notice
7 of intent to discharge early in the event that the treating
8 psychiatrist or advanced practice registered nurse with
9 prescriptive authority and who holds an accredited national
10 certification in an advanced practice registered nurse
11 psychiatric specialization determines, prior to the end of the
12 court ordered period of treatment, that the subject should be
13 discharged early from assisted community treatment.

14 Notice of the order shall be provided to those persons
15 entitled to notice pursuant to section 334-125."

16 SECTION 2. Section 334-130, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) A subject of assisted community treatment is
19 automatically and fully discharged at the end of the family
20 court ordered period of treatment, a period of not more than



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1 ~~[one year,~~] two years, unless a new family court order has been
2 obtained as provided hereinbelow."

3 SECTION 3. Section 334-133, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) The family court shall appoint a guardian ad litem,
6 unless there is an existing guardian, hold a hearing on the
7 petition, and make its decision in the same manner as provided
8 under sections 334-123 to 334-127. The family court may order
9 the continued assisted community treatment for no more than ~~[one~~
10 ~~year]~~ two years after the date of the hearing pursuant to this
11 section if the court finds that the criteria for assisted
12 community treatment continue to exist and are likely to continue
13 beyond one hundred ~~[eighty]~~ days."

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

17

INTRODUCED BY:



S.B. NO. 981

Report Title:

DOH; Assisted Community Treatment Orders

Description:

Extends the time period that a family court may order continued assisted community treatment. Reduces the time period that a family court needs to determine whether assisted community treatment should continue.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

