



The Judiciary, State of Hawai‘i

Testimony to the Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Thursday, February 28, 2019, 10:30 am
State Capitol, Conference Room 211

By

Christine E. Kuriyama
Deputy Chief Judge, Senior Family Judge
Family Court of the First Circuit

Susan Pang Gochros
Director, Intergovernmental and Community Relations Department

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 1464, S.D.1, Relating to Judicial Proceedings.

Purpose: Establishes certain positions in the Department of the Attorney General and Judiciary responsible for the preparation, filing, defense, and adjudication of assisted community treatment petitions, related guardianship petitions, and other legal filings. Appropriates funds. (S.D.1)

Judiciary's Position:

The Judiciary offers comments on this bill, which establishes and funds one permanent full-time Social Worker IV position in the Office of The Public Guardian (OPG) and a district family court judge. The Judiciary supports additional positions and funding, as we recognize the importance of assisting the vulnerable population of individuals with severe mental illness. While we appreciate these positions, we would not want them to supplant the positions and related funding requests in the Judiciary’s budget bill.



Our sole concern rests with the practical aspects of limiting the clientele served by the additional OPG position. Currently, OPG serves twelve clients who may be classified as “severely mentally ill.” This bill provides for an additional social worker whose caseload would be those twelve cases. Unfortunately, the rest of OPG’s social workers would continue to carry caseloads averaging 80 wards per guardian/social worker. Because of the restriction placed upon the new social worker’s duties, new or current wards who are not severely mentally ill, but also equally in need of services through OPG, could not be assigned to the new social worker.

We would ask that this bill recognize the need for managerial flexibility in achieving an equitable distribution of work and optimal use of OPG’s limited human resources. Such flexibility will also allow for better services to the target population if, as anticipated by this bill, that population of OPG clients increases significantly. As the bill recognizes, those with severe mental illness require a disproportionately higher degree and higher number of community services. Lack of flexibility may result in one social worker bearing an impossible burden.

We respectfully request the same flexibility for the OPG guardian as that of the judge described in Section 5 of this bill – specifically, that the duties of the new social worker position may include guardianships for wards who are not severely mentally ill, but equally requiring services.

Thus, we respectfully request the Committee to adopt similar additional language (underlined and bolded) at page 6, quote beginning at line 10 of Senate Bill No. 1464, S.D. 1:

“... 2020-2021 for one permanent full-time equivalent (1.00 FTE) social worker IV in the office of the public guardian who shall be dedicated to working with individuals with severe mental illness who are under a guardianship where the office of the public guardian is the named guardian; including coordinating with private service providers and other interested parties; **and provided that the social worker may work with other wards as assigned by the office of the public guardian without prejudice to the work required under this section.**”

Again, we applaud the intent of this bill and appreciate the provision of additional judicial and staff positions, as well as funding for these positions, to assist the Judiciary in providing this very important service for our community.

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

SB-1464-SD-1

Submitted on: 2/26/2019 6:50:06 PM

Testimony for WAM on 2/28/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:



PARTNERS IN CARE

Oahu's Continuum of Care

Our mission is to eliminate homelessness through open and inclusive participation and the coordination of integrated responses.

TESTIMONY IN SUPPORT OF SB 1464, SD1: Relating to Judicial Proceedings

TO: Senator Donovan Dela Cruz, Chair, Vice Chair Sen. Gilbert Keith-Agaran, and Members, Committee on Ways and Means.

FROM: Marya Grambs, member, Board of Directors, Partners in Care

Hearing: **Tuesday, 2/28/19; 10:30 am; CR 211**

Thank you for the opportunity to provide testimony **in support** of SB 1464, SD1. I am Marya Grambs, member, Board of Directors of Partners in Care, Oahu's continuum of care for individuals experiencing homelessness.

SB1464 SD1 rectifies significant difficulties that have plagued attempts to obtain Assisted Community Treatment (ACT) orders – first, that community agencies and families do not have the legal resources needed to file such petitions; second, the Office of Public Guardian, which can require psychiatric medication for its clients and/or can file ACT petitions, does not have sufficient staff to do so; and, finally, the Judiciary has been unable to be optimally responsive to these petitions because there has been no judge dedicated to hearing these cases. Because of these difficulties, only 10 individuals have been placed under ACT orders since the law was passed in 2013.

This bill is derived from two years of meetings by various stakeholders to understand the barriers to successfully filing ACT orders – Attorneys General for DOH and Judiciary, Adult Mental Health Division, Hawaii Disability Rights Project, Honolulu Police Psychologist, Institute for Human Services, Senator Karl Rhoads, and myself.

ACT orders are designed to get help for those individuals with whom we are all familiar because they are so visibly distressed: they display destructive and delusional behavior; they are extremely mentally ill and do not have the capacity to take care of themselves or make decisions about their treatment; they live in inhumane circumstances without adequate hygiene or medical care; they are often victims of violence or, in the case of women, sexual assault; and they cycle repeatedly between street, hospital, and jail. Letting them languish in the streets is inhumane – untreated psychosis causes brain damage -- and expensive. We believe they have a right to treatment and to have a chance to live a better life.

I urge you to pass this bill. Thank you for the opportunity to present this testimony.

THE SENATE
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2019

COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

NOTICE OF DECISION MAKING

DATE: Thursday, February 28, 2019
TIME: 10:30 a.m.
PLACE: Conference Room 211

State Capitol

415 South Beretania Street

POSITION: SUPPORT SB1464 SD1

Residing in a community where of homelessness compounded by the issue of mental health, I support this bill. This bill is derived from two years of meetings by various stakeholders to understand the barriers to successfully filing ACT orders – Attorneys General for DOH and Judiciary, Adult Mental Health Division, Hawaii Disability Rights Project, Honolulu Police Psychologist, Institute for Human Services, Senator Karl Rhoads, and other stakeholders in the community.

ACT orders are designed to get help for those individuals with whom we are all familiar because they are so visibly distressed: they display destructive and delusional behavior; they are extremely mentally ill and do not have the capacity to take care of themselves or make decisions about their treatment; they live in inhumane circumstances without adequate hygiene or medical care; they are often victims of violence or, in the case of women, sexual assault; and they cycle repeatedly between street, hospital, and jail. Letting them languish in the streets is inhumane – untreated psychosis causes brain damage -- and expensive. We believe they have a right to treatment and to have a chance to live a better life.

In my neighborhood of Kalihi-Palama, a resolution was passed to create a special cooperative zone between Neighborhood Board No. 15 Kalihi-Palama and Chinatown Neighborhood Board. The resolution created a formal avenue to which both neighborhood boards will start to work in tandem rather than just seeing the issues that happen in Chinatown as just their problem; Rather, see the issue(s) in a more holistic approach and how what happens in Chinatown may affect may affects the residents in Kalihi-Palama. This bill gives the community and providers more tools to deal with persons that more resistant to support. hopefully with the passage of this bill we can give a helping hand to those without the mental capacity to help themselves. Therefore, I urge the Ways and Means Committee to pass this bill.

Mahalo,

Ken Farm

Board Member, Member CAC, OMPO
Neighborhood Board No. 15
Kalihi-Palama

LATE

SB-1464-SD-1

Submitted on: 2/27/2019 10:57:58 AM

Testimony for WAM on 2/28/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Goodman	Testifying for Hawaii Kai Homeless Task Force	Support	No

Comments:

TO: The Committee on Ways and Means

FROM: Mike Goodman, Director of the Hawaii Kai Homeless Task Force, Member, Partners In Care

FOR: Hearing, Thursday February 28, 2019, Room 211, 10 AM & 10:30 AM

RE: SB1464

Senator Donovan, Chair, Senator Keith-Agaran, Vice-Chair, and all Members of the Committee, thank you for the opportunity to provide testimony in strong support of SB1464.

I'm Mike Goodman, Director of the Hawaii Kai Homeless Task Force, and a member of Partners in Care (PIC), which is a coalition of more than 50 non-profit homelessness providers. Members include The Salvation Army, Aloha United Way, Hawaii Harm Reduction, The Institute for Human Services, U.S. Vets and Many others. The Hawaii Kai Homeless Task Force and PIC strongly supports this bill.

This bill was developed by Attorneys General for DOH and Judiciary, Adult Mental Health Division, Hawaii Disability Rights Project, Honolulu Police Psychologist, Institute for Human Services, and the Honorable Senator Karl Rhoads.

SB1464 is a crucial part of a series of bills including SB564, SB567, SB1124 and SB1465 which are contemplated to make critical improvements to the Assisted Community Treatment Program ("ACT"), to do a better job of serving severely mentally ill and substance addicted chronically homeless persons and get them off the streets.

Unfortunately, only 10 individuals have been placed under ACT orders since the law was passed in 2013. Together, these bills hope to correct cumbersome procedures, lack of resources and other entanglements which make the program impractical.

SB1464 SD1 targets the following shortcomings in the ACT program: Community agencies and families do not have the legal resources needed to file ACT petitions; The Office of Public Guardian, which can require psychiatric medication and file ACT

petitions, lacks sufficient staff; The Judiciary must also have a Judge dedicated to hear ACT cases.

ACT orders are designed to help individuals who display destructive and delusional behavior; They can't take care of themselves or make rational decisions about their treatment. They live under horrific circumstances, cycling repeatedly between emergency rooms, jails and the streets. Moreover, the impact of 1600-2000 severely impaired chronic homeless on the quality of life for residents and tourists is huge and may cost well over \$200 million dollars a year; Queens spends over one-hundred million dollars a year just in their emergency room, treating the chronic homeless. With an effective ACT program, we can end the suffering of impaired homeless individuals while saving taxpayers millions of dollars a year.

We urge you to pass this bill. Thank you for the opportunity to present this testimony.

SB1464 SD1 targets the following shortcomings in the ACT program: Community agencies and families do not have the legal resources needed to file such petitions; The Office of Public Guardian, which can require psychiatric medication for its clients and/or can file ACT petitions, doesn't have the staff they need; The Judiciary must also have a Judge dedicated to hear these cases.

With an effective ACT program, we can end the suffering of impaired homeless individuals while saving taxpayers millions of dollars a year..

We urge you to pass this bill. Thank you for the opportunity to present this testimony.

LATE

SB-1464-SD-1

Submitted on: 2/27/2019 12:35:22 PM

Testimony for WAM on 2/28/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Smith	Individual	Support	No

Comments:

This measure will aide in getting people with mental health issues get much needed treatment.

TESTIMONY IN SUPPORT OF SB 1464, SD 1

TO: Senate Committee on Ways & Means

FROM: Nikos Leverenz
Grants, Development & Policy Manager

DATE: February 28, 2019 (10:30 AM)

Chair Dela Cruz, Vice-Chair Keith-Agaran, and Members of the Committee:

Hawai'i Health & Harm Reduction Center (HHRC) **supports** SB 1464, SD 1, which would establish dedicated positions to expedite the filing of Assisted Community Treatment (ACT) orders and related guardianship orders.

It is inhumane to leave people with severe mental illness languishing in the streets. We cannot simply ignore people's needs when they are in such a state of psychosis that they are refusing treatment and assistance because they do not understand they are ill, and as a result are posing a serious risk to themselves. While we have had increased access to ACT in recent years, lack of capacity within the system has made it challenging to implement. Only 10 individuals have been placed under ACT orders since the law was passed in 2013.

This bill ensures that people's rights of self-determination are respected while at the same time providing a means to get people the services that are critical to their health and well-being.

HHRC is a proud member of Partners in Care (PIC)—a coalition of more than 50 organizations working to address homelessness. Homelessness is a complex problem. No one entity can address the problem on its own and there is no one-size-fits-all solution. PIC (which serves Oahu) and its counterpart Bridging the Gap (which serves the rest of the state) are themselves examples of the type of collaboration and coordination that is needed.

Thank you for the opportunity to testify on this measure.