

# HB2559 HD1

Measure Title:	RELATING TO MENTAL HEALTH.
Report Title:	Mental Health; Assisted Community Treatment
Description:	Requires the family court to consider assisted community treatment as an alternative to commitment to a psychiatric facility for a person subject to a petition for involuntary hospitalization. (HB2559 HD1)
Companion:	<a href="#"><u>SB2982</u></a>
Package:	None
Current Referral:	CPH, JDL
Introducer(s):	RHOADS, BROWER, SAIKI



**STATE OF HAWAII  
DEPARTMENT OF HEALTH**

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**Testimony COMMENTS ONLY on HB2559, H.D. 1  
Relating to Mental Health**

SENATOR ROSALYN H. BAKER, CHAIR  
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH  
Hearing Date: March 17, 2016, 9:45 a.m. Room Number: 229

1 **Fiscal Implications:** Undetermined at this time.

2 **Department Testimony:** The Department of Health (DOH) defers to the Department of the  
3 Attorney General on this measure and would like to offer comments.

4 The purpose of this bill is to require the family court to consider using assisted  
5 community treatment as an alternative to commitment to a psychiatric facility when a person is  
6 subject to a petition for involuntary hospitalization.

7 This bill proposes a policy change; specifically asking family courts to consider assisted  
8 community treatment (ACT) as an alternative to involuntary civil commitment.

9 The use of ACT in the State of Hawaii has been minimal. From the time ACT went into  
10 effect through June 30, 2015, no petitions for ACT have been granted by Family Courts. The  
11 DOH understands the intention of this bill is to encourage the use of ACT. The DOH is open to  
12 ACT being used to help people and we acknowledge that the current statute clearly is not  
13 accomplishing this. In our assessment it is not clear that the proposed revisions in HB2559,

1 H. D. 1 would be an improvement, and in fact, might make it less likely that mental health  
2 professionals would pursue involuntary civil commitment or assisted community treatment.

3 We continue to be willing to work together with other stakeholders to propose  
4 modifications which make positive differences in people's lives.

5 Thank you for the opportunity to testify.



*The Judiciary, State of Hawai‘i*

**Testimony to the Senate Committee on Commerce, Consumer Protection and Health**

Senator Rosalyn H. Baker, Chair  
Senator Michelle N. Kidani, Vice Chair

Thursday, March 17, 2016, 9:45 a.m.  
State Capitol, Conference Room 229

WRITTEN TESTIMONY ONLY

by  
R. Mark Browning  
Senior Judge, Deputy Chief Judge  
Family Court of the First Circuit

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**Bill No. and Title:** House Bill No. 2559, H.D.1, Relating to Mental Health

**Purpose:** Assisted community treatment as alternative to involuntary hospitalization.

**Judiciary's Position:**

The Judiciary takes no position on this bill and respectfully offers the following comments.

On February 23, 2016, the Department of Health submitted testimony on House Bill No. 2559, H.D. 1 to the House Committee on Judiciary, noting on page 1, lines 8-10:

“The use of ACT [assisted community treatment] in the State of Hawaii has been minimal. From the time the ACT went into effect through June 30, 2015, no petitions for ACT have been granted by Family Courts.”



House Bill No. 2559, H.D.1, Relating to Mental Health  
Senate Committee on Commerce, Consumer Protection,  
and Health

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In order to clarify the reasons for the minimal use of ACT, we offer the following information about the cases that have been brought before the courts.

1. One case was filed in the Third Circuit (Big Island), which was withdrawn by the petitioner.
2. Only three cases were filed in the First Circuit. One case was dismissed. One case was withdrawn by the petitioner. The third case was filed by the Department of the Attorney General and the parties agreed to the granting of the ACT petition.

Thank you for the opportunity to comment on this measure.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [CPH Testimony](#)  
**Cc:** [louis@hawaiidisabilityrights.org](mailto:louis@hawaiidisabilityrights.org)  
**Subject:** Submitted testimony for HB2559 on Mar 17, 2016 09:45AM  
**Date:** Monday, March 14, 2016 6:53:00 PM

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**HB2559**

Submitted on: 3/14/2016

Testimony for CPH on Mar 17, 2016 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Individual	Comments Only	Yes

Comments: We share the concerns expressed by the Attorney General that combining the Civil Commitment Procedure with the Assisted Outpatient Treatment Law may be confusing and cumbersome. We understand that the AG is preparing some amendments and we hope to be able to see them prior to the hearing so that we can comment upon them at that time.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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