
A BILL FOR AN ACT

RELATING TO JUDICIAL PROCEEDINGS.

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

1 PART I

2 SECTION 1. The legislature finds that a petition to obtain
3 an order for assisted community treatment often requires a
4 knowledgeable advocate to prepare and file the petition and to
5 argue in court for its issuance. As enacted in 2013, the
6 State's assisted community treatment law requires that private
7 entities use their own resources to seek an assisted community
8 treatment order for an individual requiring mental health
9 treatment. In contrast, orders for involuntary hospitalization
10 are generally handled and filed by the department of the
11 attorney general. The legislature recognizes that private
12 service providers, community organizations, and family members
13 have found the assisted community treatment process to be so
14 complex that they often require assistance in obtaining these
15 much-needed orders for mental health treatment.

16 The legislature also finds that the responsibilities of
17 handling petitions for assisted community treatment and related



1 mental health petitions, including guardianships, extend to the
 2 judiciary, specifically to the family courts and the office of
 3 the public guardian. Additional funding for judges and staff
 4 are needed to properly assess, file, and adjudicate these
 5 matters. The legislature further finds that the social costs of
 6 not acting greatly outweigh the modest staffing costs.

7 The purpose of this Act is to establish the following
 8 positions responsible for the preparation, filing, defense, and
 9 adjudication of assisted community treatment petitions, related
 10 guardianship petitions, and other legal filings:

- 11 (1) Two deputy attorney general positions;
- 12 (2) A family court judge in the first circuit; and
- 13 (3) A social worker in the office of the public guardian.

14 PART II

15 SECTION 2. Act 221, Session Laws of Hawaii 2013, section
 16 24, as amended by section 6 of Act 114, Session Laws of Hawaii
 17 2016, is amended to read as follows:

18 "SECTION 24. This Act shall take effect on January 1,
 19 2014; provided that:

- 20 (1) Petitions filed pursuant to section 334-123, Hawaii
 21 Revised Statutes, for assisted community treatment



1 involving a designated mental health program that is a
2 state-operated provider shall not be filed until after
3 July 1, 2015;

4 (2) Any private provider wishing to file a petition
5 pursuant to section 334-123, Hawaii Revised Statutes,
6 for assisted community treatment may do so after
7 January 1, 2014, [~~using its own resources,~~] if the
8 petitioner is to be the designated mental health
9 program; [~~and~~]

10 (3) Any interested party wishing to file a petition
11 pursuant to section 334-123, Hawaii Revised Statutes,
12 for assisted community treatment may do so after
13 January 1, 2014, [~~using the party's own resources,~~] if
14 the designated mental health program is a private
15 provider[-]; and

16 (4) The department of the attorney general shall be
17 responsible for petitions brought pursuant to section
18 334-123, Hawaii Revised Statutes, unless the private
19 provider or other interested party declines
20 assistance."



1 SECTION 3. The department of the attorney general shall
2 establish two deputy attorney general positions and support
3 staff responsible for assisted community treatment petitions.
4 The deputy attorneys general appointed pursuant to this Act
5 shall have responsibilities that include:

- 6 (1) Preparing, filing, and defending petitions for
7 assisted community treatment, pursuant to chapter 334,
8 part VIII, Hawaii Revised Statutes, including any
9 petitions brought or requested by a private provider
10 or other interested party, unless the private provider
11 or interested party declines assistance;
- 12 (2) Obtaining the necessary documentation to file the
13 petition and assisting with related guardianship
14 petitions and petitions for orders to treat, if
15 requested;
- 16 (3) Coordinating responsibilities with the adult mental
17 health division in the department of health and the
18 office of the public guardian in the judiciary; and
- 19 (4) Engaging in community education.

20 SECTION 4. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$332,000 or so much



1 thereof as may be necessary for fiscal year 2019-2020, including
2 \$24,000 for initial start-up costs, and the sum of \$308,000 or
3 so much thereof as may be necessary for fiscal year 2020-2021
4 for the appointment of two deputy attorneys general and support
5 staff pursuant to section 3 of this Act.

6 The sums appropriated shall be expended by the department
7 of the attorney general for the purposes of this Act.

8 PART III

9 SECTION 5. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$170,000 or so much
11 thereof as may be necessary for fiscal year 2019-2020 and the
12 sum of \$330,000 or so much thereof as may be necessary for
13 fiscal year 2020-2021 for:

- 14 (1) One permanent full-time equivalent (1.00 FTE) district
15 family court judge responsible for hearing matters
16 related to petitions for assisted community treatment,
17 orders to treat, and guardianships for individuals
18 with severe mental illness; provided that the judge
19 may hear other matters and work on other cases as
20 permitted by the calendar; and



1 (2) Additional staff, as necessary, to support the
2 district family court judge identified in
3 paragraph (1).

4 The sums appropriated shall be expended by the judiciary
5 for the purposes of this Act.

6 SECTION 6. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$55,000 or so much
8 thereof as may be necessary for fiscal year 2019-2020 and the
9 same sum or so much thereof as may be necessary for fiscal year
10 2020-2021 for one permanent full-time equivalent (1.00 FTE)
11 social worker IV in the office of the public guardian who shall
12 be dedicated to working with individuals with severe mental
13 illness who are under a guardianship where the office of the
14 public guardian is the named guardian; provided that the social
15 worker IV hired pursuant to this Act shall coordinate with
16 private service providers and other interested parties.

17 The sums appropriated shall be expended by the judiciary
18 for the purposes of this Act.

19 SECTION 7. The judiciary shall forward to the department
20 of health copies of all petitions and orders of assisted
21 community treatment, to be used by the department to fulfill its



1 reporting obligation pursuant to Act 111, Session Laws of Hawaii
2 2017.

3 PART IV

4 SECTION 8. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 9. This Act shall take effect on July 1, 2050.



Report Title:

AG; JUD; Department of Health; Judicial Proceedings; Assisted
Community Treatment; Petitions; Appropriations

Description:

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. Effective 7/1/2050. (SD2)

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

