
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 334-121.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§334-121.5[+] **Examination for assisted community**
4 **treatment indication.** A licensed psychiatrist or advanced
5 practice registered nurse with prescriptive authority and who
6 holds an accredited national certification in an advanced
7 practice registered nurse psychiatric specialization associated
8 with the licensed psychiatric facility where a person is located
9 who was committed to involuntary hospitalization, delivered for
10 emergency examination or emergency hospitalization, or
11 voluntarily admitted to inpatient treatment at a psychiatric
12 facility pursuant to part IV shall, [~~prior to~~] before the
13 person's discharge, examine the person to determine whether an
14 assisted community treatment plan is indicated pursuant to this
15 part. If a plan is indicated, the psychiatrist or advanced
16 practice registered nurse shall prepare the certificate
17 specified by section 334-123[-] and may request assistance from



1 the department of the attorney general with the preparation and
2 filing of a petition brought pursuant to section 334-123. The
3 psychiatric facility may notify another mental health program
4 for assistance with the coordination of care in the community
5 for the person. Nothing in this section shall delay the
6 appropriate discharge of a person from the psychiatric facility
7 after the examination for assisted community treatment
8 indication has been completed."

9 SECTION 2. Section 334-124, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§334-124 Hearing date.** The family court shall set a
12 hearing date on a petition, and any subsequent hearing dates for
13 the petition, as soon as possible."

14 SECTION 3. Section 334-126, Hawaii Revised Statutes, is
15 amended by amending subsections (c) and (d) to read as follows:

16 "(c) Hearings may be held at any convenient place within
17 the circuit. The subject of the petition, any interested party,
18 or the family court upon its own motion may request a hearing in
19 another court because of inconvenience to the parties,
20 witnesses, or the family court or because of the subject's
21 physical or mental condition. The court may use online hearings



1 to accommodate the needs of the parties and witnesses, in
2 accordance with family court rules.

3 (d) The hearing shall be closed to the public, unless the
4 subject of the petition requests otherwise. Individuals
5 entitled to notice are entitled to be present in the courtroom
6 or other approved location for the hearing and to receive a copy
7 of the hearing transcript or recording, unless the court
8 determines that the interests of justice require otherwise."

9 SECTION 4. Section 334-127, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) If after hearing all relevant evidence, including the
12 results of any diagnostic examination ordered by the family
13 court, the family court finds that the criteria for assisted
14 community treatment under section 334-121(1) have been met
15 beyond a reasonable doubt and that the criteria under section
16 334-121(2) to [~~334-121(4)~~] (4) have been met by clear and
17 convincing evidence, the family court shall order the subject to
18 obtain assisted community treatment for a period of no more than
19 [~~one year.~~] two years. The written treatment plan submitted
20 pursuant to section 334-126(g) shall be attached to the order
21 and made a part of the order.



1 If the family court finds by clear and convincing evidence
2 that the beneficial mental and physical effects of recommended
3 medication outweigh the detrimental mental and physical effects,
4 if any, the order may authorize types or classes of medication
5 to be included in treatment at the discretion of the treating
6 psychiatrist or advanced practice registered nurse with
7 prescriptive authority and who holds an accredited national
8 certification in an advanced practice registered nurse
9 psychiatric specialization.

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

18 Notice of the order shall be provided to the director, the
19 interested party who filed the petition, and those persons
20 entitled to notice pursuant to section 334-125."



1 SECTION 5. Section 334-130, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) A subject of assisted community treatment is
4 automatically and fully discharged at the end of the family
5 court ordered period of treatment, a period of [~~not~~] no more
6 than [~~one year,~~] two years, unless a new family court order has
7 been obtained as provided hereinbelow."

8 SECTION 6. Section 334-131, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) The notice shall be filed with the family court
11 [~~which~~] that issued the order for assisted community treatment,
12 and served by personal service or by certified mail on the
13 interested party who filed the petition and those persons whom
14 the order for assisted community treatment specifies as entitled
15 to receive notice."

16 SECTION 7. Section 334-133, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§334-133 Petition for additional period of treatment;**
19 **hearing.** (a) Before the expiration of the period of assisted
20 community treatment ordered by the family court, any interested
21 party may file, or may request the department of the attorney



1 general to file, a petition with the family court for an order
2 of continued assisted community treatment. The petition shall
3 be filed, and unless the court determines the existence of a
4 guardian, a guardian ad litem appointed, and notice provided in
5 the same manner as under sections 334-123 and 334-125.

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

15 (c) Nothing in this section shall preclude the subject's
16 stipulation to the continuance of an existing [~~court~~] order.
17 This section shall be in addition to the provisions on the
18 objection to discharge."

19 SECTION 8. If any provision of this Act, or the
20 application thereof to any person or circumstance, is held
21 invalid, the invalidity does not affect other provisions or



1 applications of the Act that can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

4 SECTION 9. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 10. This Act shall take effect on July 1, 2023.



Report Title:

DOH; Assisted Community Treatment; Attorney General; Petitions;
Extensions of Treatment; Family Court; Online Hearings

Description:

Authorizes psychiatrists or advanced practice registered nurses, after examination of a person for assisted community treatment indication, to request assistance from the attorney general to file an assisted community treatment petition. Authorizes the family court to use online hearings for assisted community treatment petitions. Clarifies provision of notice for assisted community treatment petitions. Authorizes any interested party to request assistance from the attorney general to file a petition for an extension of assisted community treatment. 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. (CD1)

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