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# A BILL FOR AN ACT

RELATING TO HEALTH.

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

- 1 SECTION 1. The purpose of this Act is to:
- 2 (1) Authorize psychiatrists or advanced practice
- 3 registered nurses, after examination of a person for
- 4 assisted community treatment indication, to request
- 5 the director of health to file an assisted community
- 6 treatment petition;
- 7 (2) Authorize interested parties to request the director
- 8 of health to file an assisted community treatment
- 9 petition on behalf of the interested party;
- 10 (3) Authorize the family court to use online hearings for
- 11 assisted community treatment petitions;
- 12 (4) Require the department of health to report to the
- 13 legislature prior to the regular session of 2025 on
- 14 the number of requests for petitions for assisted
- 15 community treatment submitted to the director of
- 16 health; and
- 17 (5) Appropriate funds to the judiciary.



1 SECTION 2. 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 ~~[-]~~ or request the director to file  
18 a petition under section 334-123 and assist with the certificate  
19 specified by section 334-123. The psychiatric facility may  
20 notify another mental health program for assistance with the  
21 coordination of care in the community for the person. Nothing



1 in this section shall delay the appropriate discharge of a  
2 person from the psychiatric facility after the examination for  
3 assisted community treatment indication has been completed."

4 SECTION 3. Section 334-123, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§334-123 Initiation of proceeding for assisted community  
7 treatment. (a) Any interested party may file, or request the  
8 director to file, a petition with the family court alleging that  
9 another person meets the criteria for assisted community  
10 treatment. The interested party shall be responsible for  
11 providing information to the director to support the petition.  
12 The director shall review the request as expeditiously as  
13 possible upon receipt of the request and, if the request  
14 satisfies the requirements of subsection (b), shall file a  
15 petition to request assisted community treatment  
16 within \_\_\_\_\_ days of the request. The interested party shall  
17 have the right to bring a petition on their own behalf if the  
18 director has not filed a petition within \_\_\_\_\_ days.

19 (b) The petition shall state:

20 (1) Each of the criteria under section 334-121 for  
21 assisted community treatment;



1 (2) Petitioner's good faith belief that the subject of the  
2 petition meets each of the criteria under section 334-  
3 121;

4 (3) Facts that support the petitioner's good faith belief  
5 that the subject of the petition meets each of the  
6 criteria under section 334-121; and

7 (4) That the subject of the petition is present within the  
8 county where the petition is filed.

9 The hearing on the petition need not be limited to the  
10 facts stated in the petition. The petition shall be executed  
11 subject to the penalties of perjury but need not be sworn to  
12 before a notary public.

13 [~~(b)~~] (c) The petition may be accompanied by a certificate  
14 of a licensed psychiatrist or advanced practice registered nurse  
15 with prescriptive authority and who holds an accredited national  
16 certification in an advanced practice registered nurse  
17 psychiatric specialization who has examined the subject of the  
18 petition within twenty calendar days [~~prior to~~] before the  
19 filing of the petition. For purposes of the petition, an  
20 examination shall be considered valid so long as the licensed  
21 psychiatrist or advanced practice registered nurse with



1 prescriptive authority and who holds an accredited national  
 2 certification in an advanced practice registered nurse  
 3 psychiatric specialization has obtained enough information from  
 4 the subject of the petition to reach a diagnosis of the subject  
 5 of the petition, and to express a professional opinion  
 6 concerning the same, even if the subject of the petition is not  
 7 fully cooperative. If the petitioner believes that further  
 8 evaluation is necessary before treatment, the petitioner may  
 9 request further evaluation.

10 [~~e~~] (d) The petition shall include the name, address,  
 11 and telephone number of at least one of the following persons in  
 12 the following order of priority: the subject of the petition's  
 13 spouse or reciprocal beneficiary, legal parents, adult children,  
 14 and legal guardian, if one has been appointed. If the subject  
 15 of the petition has no living spouse or reciprocal beneficiary,  
 16 legal parent, adult children, or legal guardian, or if none can  
 17 be found, the petition shall include the name, address, and  
 18 telephone number of at least one of the subject's closest adult  
 19 relatives, if any can be found."

20 SECTION 4. Section 334-124, Hawaii Revised Statutes, is  
 21 amended to read as follows:



1           "§334-124 Hearing date. The family court shall set a  
2 hearing date on a petition, and any subsequent hearing dates for  
3 the petition, as soon as possible."

4           SECTION 5. Section 334-126, Hawaii Revised Statutes, is  
5 amended by amending subsections (c) and (d) to read as follows:

6           "(c) Hearings may be held at any convenient place within  
7 the circuit. The subject of the petition, any interested party,  
8 or the family court upon its own motion may request a hearing in  
9 another court because of inconvenience to the parties,  
10 witnesses, or the family court or because of the subject's  
11 physical or mental condition. The court may use online hearings  
12 to accommodate the needs of the parties and witnesses, in  
13 accordance with family court rules.

14           (d) The hearing shall be closed to the public, unless the  
15 subject of the petition requests otherwise. Individuals  
16 entitled to notice are entitled to be present in the courtroom  
17 or other approved location for the hearing and to receive a copy  
18 of the hearing transcript or recording, unless the court  
19 determines that the interests of justice require otherwise."

20           SECTION 6. Section 334-127, Hawaii Revised Statutes, is  
21 amended by amending subsection (b) to read as follows:



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

12           If the family court finds by clear and convincing evidence  
13 that the beneficial mental and physical effects of recommended  
14 medication outweigh the detrimental mental and physical effects,  
15 if any, the order may authorize types or classes of medication  
16 to be included in treatment at the discretion of the treating  
17 psychiatrist or advanced practice registered nurse with  
18 prescriptive authority and who holds an accredited national  
19 certification in an advanced practice registered nurse  
20 psychiatric specialization.



1           The court order shall also state who should receive notice  
2 of intent to discharge early in the event that the treating  
3 psychiatrist or advanced practice registered nurse with  
4 prescriptive authority and who holds an accredited national  
5 certification in an advanced practice registered nurse  
6 psychiatric specialization determines, [~~prior to~~] before the end  
7 of the [~~court-ordered~~] court-ordered period of treatment, that  
8 the subject should be discharged early from assisted community  
9 treatment.

10           Notice of the order shall be provided to the director, the  
11 interested party who filed or requested the petition, and those  
12 persons entitled to notice pursuant to section 334-125."

13           SECTION 7. Section 334-131, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

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



1 SECTION 8. Section 334-133, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) Before the expiration of the period of assisted  
5 community treatment ordered by the family court, any interested  
6 party may file, or may request the director to file, a petition  
7 with the family court for an order of continued assisted  
8 community treatment. The petition shall be filed, and unless  
9 the court determines the existence of a guardian, a guardian ad  
10 litem appointed, and notice provided in the same manner as under  
11 sections 334-123 and 334-125."

12 2. By amending subsection (c) to read:

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

17 SECTION 9. The department of health shall submit a report  
18 on the number of requests for petitions for assisted community  
19 treatment submitted to the director of health since July 1,  
20 2023, to the legislature no later than twenty days prior to the  
21 convening of the regular session of 2025.



1 SECTION 10. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so  
3 much thereof as may be necessary for fiscal year 2023-2024 and  
4 the same sum or so much thereof as may be necessary for fiscal  
5 year 2024-2025 for the judiciary to obtain applicable resources  
6 to effectuate this Act, including additional judge positions and  
7 increased compensation for guardians ad litem appointed to  
8 assisted community treatment cases.

9 The sums appropriated shall be expended by the judiciary  
10 for the purposes of this Act.

11 SECTION 11. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 12. This Act shall take effect on June 30, 2050.



**Report Title:**

Assisted Community Treatment; Petitions; DOH; Judiciary; Report; Appropriation

**Description:**

Authorizes psychiatrists, advanced practice registered nurses, and interested parties to request the Director of Health to file an assisted community treatment petition. For requests that satisfy the criteria for assisted community treatment, requires the Director of Health to file a petition for assisted community treatment within a certain number of days. Authorizes the Family Court to use online hearings for assisted community treatment petitions. Requires the Department of Health to report to the Legislature prior to the Regular Session of 2025 on the number of requests for petitions for assisted community treatment submitted to the Director of Health since July 1, 2023. Appropriates funds. Effective 6/30/2050. (SD1)

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

