

ACT 178

S.B. NO. 1442

A Bill for an Act Relating to Mental Health Services for Children and Adolescents.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that addressing mental health needs early in life is imperative for better health and well-being in adulthood. Adverse childhood experiences, which are various forms of trauma during a child's development, are linked to a greater likelihood of lifelong risky behaviors that can

lead to chronic diseases and poor mental health, including depression, anxiety, and suicidality.

The importance of children and adolescent mental health was emphasized during the COVID-19 pandemic, which significantly impacted the social, emotional, and mental well-being of youth globally. Hawaii children and adolescents, like those in other states in the nation, were more likely to have depression and anxiety after the first year of the COVID-19 pandemic.

The child and adolescent mental health division of the department of health is the State's medicaid provider of intensive mental health services for youth. Services provided by the division may be described as a multi-tiered and multi-agency system of care.

The child and adolescent mental health division receives referrals from, and provides mental health services in coordination and collaboration with, other state government agencies, as appropriate. For example, the division may receive a client who is housed in a detention home, has been abused, and has dropped out of school. The division will provide the child with treatment and services in coordination with other state agencies, including the judiciary, child welfare services, and department of education, that may be involved given the child's circumstances. To minimize disruptions in the daily lives of the clients and their families, the division provides its clients with community-based services and supports by contracting with mental health professionals who practice near or in the communities where eligible children and adolescents live.

The purpose of this Act is to clarify and update the responsibilities of the child and adolescent mental health division of the department of health to reflect the current mental health systems of care that address mental health needs of children and adolescents in the State.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to part XV to be appropriately designated and to read as follows:

“§321- Definitions. As used in this part:

“Client” means a child or adolescent who is receiving services from the child and adolescent mental health division.

“Division” means the child and adolescent mental health division of the department of health.”

SECTION 3. Section 321-171¹, Hawaii Revised Statutes, is amended by amending the title of part XV to read as follows:

“PART XV. MENTAL HEALTH SERVICES FOR CHILDREN AND ~~[YOUTH]~~ ADOLESCENTS”

SECTION 4. Section 321-171, Hawaii Revised Statutes, is amended to read as follows:

“§321-171 ~~[Children's mental]~~ Mental health services[;] for children and adolescents; department responsibility. It shall be the responsibility of the department of health to:

- (1) Provide ~~[preventative]~~ preventive health services for children and ~~[youth;]~~ adolescents; and
 - (2) Provide diagnostic and treatment services for emotionally disturbed children and ~~[youth; and]~~
 - (3) ~~Provide treatment and rehabilitative services for mentally ill children and youth.~~
- ~~Such]~~ adolescents.

These services shall be delivered [at the earliest possible moment] as soon as reasonably possible after the need for [such] the services is established. [AH] Subject to the availability of federal or state resources, eligible children and [youth] adolescents between the ages of birth and seventeen years shall receive the necessary mental health services to [insure] ensure their proper and full development. [If there is any adjudication or settlement of any legal action involving the delivery of children's mental health services, the] The department of health shall be responsible for the coordination of carrying out the terms of [the] any judgment or settlement[-] related to the delivery of mental health services to children and adolescents, as required by this section."

SECTION 5. Section 321-172, Hawaii Revised Statutes, is amended to read as follows:

"§321-172 [Children's mental health services branch.] Child and adolescent mental health division. There [is] shall be established within the department of health[-, mental health division, a children's] a child and adolescent mental health [services branch] division, which shall coordinate the effective and efficient delivery of mental health services to children and [youth,-] adolescents, including services provided by private nonprofit agencies under contract to the department of health, and be responsible for the development and implementation of centralized and highly specialized programs for children and [youth-] adolescents."

SECTION 6. Section 321-173, Hawaii Revised Statutes, is amended to read as follows:

"§321-173 [Community mental health services] Family guidance centers for children and [youth.-] There is established within each community mental health center a children's mental health services team which-] adolescents. The division shall implement and administer family guidance centers. The family guidance centers, in conjunction with other public and private agencies, shall develop and provide a network of preventative, early identification, screening, diagnostic, treatment, and rehabilitative services for children and [youth] adolescents based on the needs of each [geographic region] county in which the [community mental health] family guidance center is located. The [children's mental health services teams] division shall cooperate with and promote the coordination of the activities of local public and private agencies servicing children and [youth] adolescents in their [particular geographic area-] county or the closest county that has resources and services that meet the client's needs."

SECTION 7. Section 321-174, Hawaii Revised Statutes, is amended to read as follows:

"§321-174 Coordination of services with department of education. The [children's] child and adolescent mental health services team shall cooperate with the schools located in their particular geographic region in identifying and referring for treatment such children or [youths] adolescents in need of mental health services. In conjunction with the [children's] child and adolescent mental health services team, the department of education and the department of health shall develop a memorandum of agreement which shall provide for a sharing of responsibilities for the affected agencies and shall include but not be limited to provisions for:

- (1) Accepting referrals from the school counselors and diagnostic teams for evaluation and direct treatment of children and [youth] adolescents suffering from mental and emotional disorders;

- (2) Providing consultation to enable teachers and other school personnel to aid in the identification and screening of children and adolescents in need of professional mental health services and the services of psychologists, as defined in chapter 465;
- (3) Providing training and education about emotional disturbances of children and adolescents to teachers, school counselors, and parents;
- (4) Assisting the department of education with mental health services and the services of psychologists, as defined in chapter 465 for handicapped children[;] and adolescents;
- (5) Developing an ongoing mechanism to assess, document, and report to the legislature and the governor unmet needs for mental health services for students in each geographic region; and
- (6) Performing other related services for school personnel, children, adolescents, and parents.”

SECTION 8. Section 321-175, Hawaii Revised Statutes, is amended to read as follows:

“§321-175 Statewide [ehildren’s] child and adolescent mental health services plan. (a) Commencing [~~on September 1, 1980,~~] no later than twenty days before the convening of the regular session of 2027, and every [~~four~~] five years thereafter, the [~~children’s mental health services branch, on or before September 1 of each four-year cycle,~~] division shall develop and [~~present~~] submit to the governor and the legislature[, as well as release for public inspection and comment,] a current statewide [~~children’s~~] child and adolescent mental health services plan [~~which~~] that shall include:

- [(1)] A survey of the children and youth in the State who are (A) in need of and (B) receiving mental health services showing the total number of such children and youth and their geographic distribution;
- (2) Identification of the public and private providers of mental health services to children and youth;
- (3) Identification of the criteria and standards for the treatment to be received by emotionally disturbed or mentally ill children and youth;
- (4) A program for the recruitment, orientation, and in-service training of personnel in community mental health services to children and youth, and to allied fields, including participation, as appropriate, by institutions of higher learning, state and local agencies, and other public and private agencies having relevant expertise;
- (5) [(1)] An assessment of the mental health needs of children and adolescents in the State;
- (2) An assessment of resources available to meet the mental health needs of children and adolescents in the State;
- (3) Identification of gaps between needs and available resources;
- (4) A description of the provisions for prevention, [~~early identification,~~] diagnosis, screening, and treatment, [~~and~~] which is inclusive of rehabilitation [(including, with regard to treatment and rehabilitation, services provided through inpatient, outpatient, and community residential facilities) of children and youth in need of mental health services;
- (6) An implementation plan for providing mental health services to all children and youth in the State in each of the above mentioned areas; and

- (7) ~~Any additional matters which may be necessary or appropriate, including recommendations for amendment of laws, changes in administrative practices and patterns of organization, and changes in levels and patterns of financial support relating to children's mental health services;]~~ and
- (5) Recommendations to the governor and legislature on how to meet the mental health needs of children and adolescents.
- (b) ~~[Prior to]~~ Before the submission of the statewide ~~[children's]~~ child and adolescent mental health services plan under subsection (a) to the governor and the legislature, the department of health shall hold public hearings on the plan in accordance with ~~[chapter 91.]~~ section 92-41. There shall be at least one hearing in each county; ~~[except]~~ provided that the city and county of Honolulu shall have three hearings in strategic geographic locations to provide the widest exposure of the plan to the population.
- (c) Any amendments to the statewide ~~[children's]~~ child and adolescent mental health services plan shall be made after public meetings held in accordance with ~~[chapter 91.]~~ subsection (b)."

SECTION 9. Section 321-176, Hawaii Revised Statutes, is repealed.

SECTION 10. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 11. This Act shall take effect upon its approval.

(Approved June 6, 2025.)

Notes

- 1. Prefatory language should reference "chapter 321" instead of "[s]ection 321-171".
- 2. Edited pursuant to HRS §23G-16.5.