
A BILL FOR AN ACT

RELATING TO INTELLECTUAL DISABILITIES.

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

1 SECTION 1. Chapter 324, Hawaii Revised Statutes, is
2 amended by amending the title of part II to read as follows:

3 "PART II. MENTAL HEALTH AND ~~[MENTAL RETARDATION]~~ INTELLECTUAL
4 DISABILITY STUDIES"

5 SECTION 2. Chapter 333F, Hawaii Revised Statutes, is
6 amended by amending the title to read as follows:

7 "SERVICES FOR PERSONS WITH DEVELOPMENTAL ~~[DISABILITIES]~~ OR
8 ~~[MENTAL RETARDATION]~~ INTELLECTUAL DISABILITIES"

9 SECTION 3. Section 333F-11, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) Notwithstanding any law to the contrary, the family
12 court may appoint the director as guardian of any person if the
13 court finds that:

14 (1) The person is an incapacitated person as defined in
15 section 560:5-102;

16 (2) The person is developmentally or intellectually
17 disabled [~~or mentally retarded~~];



- 1 (3) The person may reasonably be expected to need
2 treatment or care at any residential facility; and
3 (4) There is no other suitable guardian including the
4 public guardian as designated in chapter 551A able or
5 willing to serve as guardian."

6 SECTION 4. Section 346-230, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

8 "(b) Upon the department's determination that protective
9 services are no longer needed, the vulnerable adult shall be
10 referred to the agency responsible for follow-up services. For
11 the mentally ill [~~, mentally retarded, or developmentally~~
12 ~~disabled adult,~~] or adults with developmental or intellectual
13 disabilities, the state agency designated to provide services
14 shall be the department of health."

15 SECTION 5. Section 346D-2, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Waiver programs shall be established and administered
18 by the department of human services to provide comprehensive
19 home and community-based services for the aged, chronically ill,
20 disabled, developmentally disabled, and [~~mentally retarded~~
21 ~~individuals,~~] individuals with intellectual disabilities, who
22 are certified as requiring acute, skilled nursing, intermediate



1 care facility, or intermediate care facility for [~~the mentally~~
2 ~~retarded~~] individuals with intellectual disabilities level of
3 care."

4 SECTION 6. Section 431:10-212, Hawaii Revised Statutes, is
5 amended by amending the title to read as follows:

6 "§431:10-212 **Contract limitations for [~~mentally retarded~~**
7 **~~and~~] handicapped children[~~-~~] and children with intellectual**
8 **disabilities."**

9 SECTION 7. Section 432:1-601, Hawaii Revised Statutes, is
10 amended by amending the title to read as follows:

11 "§432:1-601 **Contract limitations for [~~mentally retarded~~**
12 **~~and~~] handicapped children[~~-~~] and children with intellectual**
13 **disabilities."**

14 SECTION 8. Section 571-11, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§571-11 **Jurisdiction; children.** Except as otherwise
17 provided in this chapter, the court shall have exclusive
18 original jurisdiction in proceedings:

- 19 (1) Concerning any person who is alleged to have committed
20 an act prior to achieving eighteen years of age which
21 would constitute a violation or attempted violation of
22 any federal, state, or local law or municipal



1 ordinance. Regardless of where the violation
2 occurred, jurisdiction may be taken by the court of
3 the circuit where the person resides, is living, or is
4 found, or in which the offense is alleged to have
5 occurred;

6 (2) Concerning any child living or found within the
7 circuit:

8 (A) Who is neglected as to or deprived of educational
9 services because of the failure of any person or
10 agency to exercise that degree of care for which
11 it is legally responsible;

12 (B) Who is beyond the control of the child's parent
13 or other custodian or whose behavior is injurious
14 to the child's own or others' welfare;

15 (C) Who is neither attending school nor receiving
16 educational services required by law whether
17 through the child's own misbehavior or
18 nonattendance or otherwise; or

19 (D) Who is in violation of curfew;

20 (3) To determine the custody of any child or appoint a
21 guardian of any child;

22 (4) For the adoption of a person under chapter 578;



- 1 (5) For the termination of parental rights under sections
2 571-61 to 571-63;
- 3 (6) For judicial consent to the marriage, employment, or
4 enlistment of a child, when [~~such~~] consent is required
5 by law;
- 6 (7) For the treatment or commitment of a mentally
7 defective, [~~mentally retarded, or~~] mentally ill
8 child[+], or a child with an intellectual disability;
- 9 (8) Under the Interstate Compact on Juveniles under
10 chapter 582 or the Interstate Compact for Juveniles
11 under chapter 582D;
- 12 (9) For the protection of any child under chapter 587A;
13 and
- 14 (10) For a change of name as provided in section 574-
15 5(a)(2)(C)."

16 SECTION 9. Section 46-4, Hawaii Revised Statutes, is
17 amended by substituting the words "individuals with intellectual
18 disabilities" wherever the words "mentally retarded individuals"
19 or "mentally retarded" appear, as the context requires.

20 SECTION 10. Sections 46-4 and 518-3, Hawaii Revised
21 Statutes, are amended by substituting the words "intermediate
22 care facility for individuals with intellectual disabilities in



1 the community" wherever the words "intermediate care
2 facility/mental retardation-community" appear, as the context
3 requires.

4 SECTION 11. Sections 321-11.5, 321-15.2, 346-29.5, 346-37,
5 346D-2, 346D-3, 346E-1, and 846-2.7, Hawaii Revised Statutes,
6 are amended by substituting the term "intermediate care facility
7 for individuals with intellectual disabilities" or "intermediate
8 care facilities for individuals with intellectual disabilities"
9 wherever the term "intermediate care facility for the mentally
10 retarded" or "intermediate care facilities for the mentally
11 retarded" appears, as the context requires.

12 SECTION 12. Sections 321-15.9, 324-11, 328C-1, 333F-1,
13 333F-22, 431:10-212, 431:10D-212, 431M-1, 432:1-601, and 461-1,
14 Hawaii Revised Statutes, are amended by substituting the term
15 "intellectual disability" or "intellectual disabilities"
16 wherever the term "mental retardation" appears, as the context
17 requires.

18 SECTION 13. Sections 321-15.9, 333F-1, 333F-2, 333F-3,
19 333F-5, 333F-6, 333F-8, 333F-13, and 333F-22, Hawaii Revised
20 Statutes, are amended by substituting the words "developmental
21 or intellectual disabilities" wherever the words "developmental



1 disabilities or mental retardation" appear, as the context
2 requires.

3 SECTION 14. Section 333F-2, Hawaii Revised Statutes, is
4 amended by substituting the word "ICF/ID" wherever the word
5 "ICF/MR" appears, as the context requires.

6 SECTION 15. Sections 383-7, 386-1, 392-5, and 393-5,
7 Hawaii Revised Statutes, are amended by substituting the words
8 "developmental and intellectual disabilities" wherever the words
9 "developmental disabilities and mental retardation" appear, as
10 the context requires.

11 SECTION 16. Section 571-22, Hawaii Revised Statutes, is
12 amended by substituting the words "individuals with intellectual
13 disabilities" wherever the term "retarded" appears, as the
14 context requires.

15 SECTION 17. Sections 571-61 and 578-2, Hawaii Revised
16 Statutes, are amended by substituting the term "intellectually
17 disabled" wherever the term "mentally retarded" appears, as the
18 context requires.

19 SECTION 18. No later than January 1, 2015, the director of
20 any department affected by the amendments in this Act shall
21 adopt or amend, as necessary, rules, pursuant to chapter 91, to
22 make the terminology and references in the relevant Hawaii



1 Administrative Rules consistent with the amendments to the
2 Hawaii Revised Statutes made by this Act.

3 SECTION 19. This Act is not intended to change the
4 coverage, eligibility, rights, responsibilities or definitions
5 referred to in the amended provisions.

6 SECTION 20. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 21. This Act shall take effect on July 1, 2030;
9 provided that the amendment made to section 321-11.5, Hawaii
10 Revised Statutes, by this Act shall not be repealed when that
11 section is reenacted on June 30, 2014, by section 8 of Act 21,
12 Special Session Laws of Hawaii, 2009.



Report Title:

Intellectual Disabilities

Description:

Changes references to "mental retardation" or like terms in the Hawaii Revised Statutes to "intellectual disability" or like terms. Effective July 1, 2030; provided that the amendment made to section 321-11.5, Hawaii Revised Statutes, by this Act shall not be repealed when that section is reenacted on June 30, 2014, by section 8 of Act 21, Special Session Laws of Hawaii, 2009.
(HB761 HD1)

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

