
A BILL FOR AN ACT

RELATING TO CHANGING REFERENCES IN THE HAWAII REVISED STATUTES
FROM "MENTAL RETARDATION" TO "INTELLECTUAL DISABILITY".

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

1 SECTION 1. Section 333F-1, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding a new definition to be appropriately inserted
4 and to read:

5 "Intellectual disability" means significantly subaverage
6 general intellectual functioning resulting in or associated with
7 concurrent moderate, severe, or profound impairments in adaptive
8 behavior and manifested during the developmental period."

9 2. By amending the definitions of "case management
10 services", "least restrictive", "representative", "residence" or
11 "residential", "respite care", and "services" to read:

12 "Case management services" means services to persons with
13 developmental or intellectual disabilities [~~or mental~~
14 retardation] that assist them in gaining access to needed
15 social, medical, legal, educational, and other services, and
16 includes:



- 1 (1) Follow-along services [~~which~~] that assure, through a
2 continuing relationship between an agency or provider
3 and a person with a developmental or intellectual
4 disability [~~or mental retardation~~] and the person's
5 parent, if the person is a minor, or guardian, if a
6 guardian has been appointed for the purpose, that the
7 changing needs of the person and the family are
8 recognized and appropriately met [-] i;
- 9 (2) Coordinating and monitoring services provided to
10 persons with developmental or intellectual
11 disabilities [~~or mental retardation~~] by two or more
12 persons, organizations, or agencies [-] i; and
- 13 (3) Providing information to persons with developmental or
14 intellectual disabilities [~~or mental retardation~~]
15 about availability of services and assisting the
16 persons in obtaining the services.

17 "Least restrictive" means the least intrusive and least
18 disruptive intervention into the life of a person with
19 developmental [~~disability or mental retardation~~] or intellectual
20 disabilities that represents the least departure from normal
21 patterns of living that can be effective in meeting the person's
22 developmental needs.



1 "Representative" means any individual who can advise and
2 advocate for a person with developmental or intellectual
3 disabilities [~~or mental retardation~~] and who shall serve at the
4 request and pleasure of such person; provided that if the person
5 with developmental or intellectual disabilities [~~or mental~~
6 ~~retardation~~] is a minor or is legally incapacitated and has not
7 requested a representative, the parent or guardian may request a
8 representative to assist on behalf of the person with
9 developmental or intellectual disabilities [~~or mental~~
10 ~~retardation~~].

11 "Residence" or "residential" means the living space
12 occupied by the person with a developmental or intellectual
13 disability [~~or mental retardation~~], including single-person
14 homes, natural family homes, care homes, group homes, foster
15 homes, institutional facilities, and all other types of living
16 arrangements.

17 "Respite care" means a service provided in a least
18 restrictive environment for short term care to meet the needs,
19 ranging from simple to complex, of persons with developmental or
20 intellectual disabilities [~~or mental retardation~~]. The purpose
21 of respite care is to avoid, if possible, the necessity for long



1 term institutional care or to provide relief to families and
2 care providers.

3 "Services" means appropriate assistance provided to a
4 person with a developmental or intellectual disability [~~or~~
5 ~~mental retardation~~] in the least restrictive, individually
6 appropriate environment to provide for basic living requirements
7 and continuing development of independence or interdependent
8 living skills of the person. These services include, but are
9 not restricted to: case management; residential, developmental,
10 and vocational support; training; habilitation; active
11 treatment; day treatment; day activity; respite care; domestic
12 assistance; attendant care; rehabilitation; speech, physical,
13 occupational, and recreational therapy; recreational
14 opportunities; counseling, including counseling [~~to~~] of the
15 person's family, guardian, or other appropriate representative;
16 development of language and communications skills;
17 interpretation; transportation; and equipment."

18 3. By deleting the definition of "mental retardation".

19 [~~"Mental retardation" means significantly subaverage~~
20 ~~general intellectual functioning resulting in or associated with~~
21 ~~concurrent moderate, severe, or profound impairments in adaptive~~
22 ~~behavior and manifested during the developmental period."]~~



1 SECTION 2. Section 333F-11, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

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

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

8 (2) The person [~~is developmentally disabled or mentally~~
9 ~~retarded,~~] has a developmental or intellectual
10 disability;

11 (3) The person may reasonably be expected to need
12 treatment or care at any residential facility; and

13 (4) There is no other suitable guardian including the
14 public guardian as designated in chapter 551A able or
15 willing to serve as guardian."

16 SECTION 3. Section 431:10D-212, Hawaii Revised Statutes,
17 is amended by amending subsection (b) to read as follows:

18 "(b) For purposes of this section:

19 "Dependent" means a child of the insured individual:

20 (1) Under eighteen years of age;



1 (2) Under twenty-three years of age who is attending an
2 educational institution and relying upon the insured
3 individual for financial support; or

4 (3) Regardless of age who is incapable of self-sustaining
5 employment by reason of [~~mental retardation or~~
6 ~~physical handicap~~] intellectual disability or physical
7 disability and is chiefly dependent upon the insured
8 individual for support and maintenance.

9 "Individual" includes a person or a member of any group
10 provided in section 431:10D-202 and sections 431:10D-204 through
11 431:10D-210."

12 SECTION 4. Section 324, part II, Hawaii Revised Statutes,
13 is amended by amending its title to read as follows:

14 "PART II. MENTAL HEALTH AND [~~MENTAL RETARDATION~~] INTELLECTUAL
15 DISABILITY STUDIES"

16 SECTION 5. Chapter 333F, Hawaii Revised Statutes, is
17 amended by amending its title to read as follows:

18 "SERVICES FOR PERSONS WITH DEVELOPMENTAL OR INTELLECTUAL
19 DISABILITIES [~~OR MENTAL RETARDATION~~] "

20 SECTION 6. Section 46-4, Hawaii Revised Statutes, is
21 amended by substituting the term "individuals with intellectual
22 disabilities", or like term, wherever the term "mentally



1 retarded", or like term, appears, as the context requires, and
2 by substituting the term "intermediate care facility for
3 individuals with intellectual disabilities in the community"
4 wherever the term "intermediate care facility/mental
5 retardation-community" appears, as the context requires.

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

12 SECTION 8. Section 321-15.9, Hawaii Revised Statutes, is
13 amended by substituting the term "developmental or intellectual
14 disabilities", or like term, wherever the term "developmental
15 disabilities or mental retardation", or like term, appears, as
16 the context requires, and by substituting the term "intellectual
17 disability" wherever the term "mental retardation" appears, as
18 the context requires.

19 SECTION 9. Sections 324-11 and 431M-1, Hawaii Revised
20 Statutes, are amended by substituting the term "intellectual
21 disability" wherever the term "mental retardation" appears, as
22 the context requires.



1 SECTION 10. Sections 328C-1 and 461-1, Hawaii Revised
2 Statutes, are amended by substituting the term "developmental
3 and intellectual disability center" wherever the term "mental
4 retardation center" appears, as the context requires.

5 SECTION 11. Section 333F-2, Hawaii Revised Statutes, is
6 amended by substituting the term "developmental or intellectual
7 disabilities", wherever the term "developmental disabilities or
8 mental retardation" appears, as the context requires, and by
9 substituting the acronym "ICF/ID" wherever the acronym "ICF/MR"
10 appears, as the context requires.

11 SECTION 12. Sections 333F-3, 333F-5, 333F-6, 333F-8,
12 333F-13, and 333F-22, Hawaii Revised Statutes, are amended by
13 substituting the term "developmental or intellectual
14 disabilities", or like term, wherever the term "developmental
15 disabilities or mental retardation", "mental retardation or
16 developmental disabilities", or like term appears, as the
17 context requires.

18 SECTION 13. Sections 346-230, 571-11, 571-22, 571-61, and
19 578-2, Hawaii Revised Statutes, are amended by substituting the
20 term "intellectually disabled", or like term, wherever the term
21 "retarded" or "mentally retarded", or like term, appears, as the
22 context requires.



1 SECTION 14. Section 346D-2, Hawaii Revised Statutes, is
2 amended by substituting the term "intellectually disabled"
3 wherever the term "mentally retarded" appears, as the context
4 requires, and by substituting the term "intermediate care
5 facility for individuals with intellectual disabilities"
6 wherever the term "intermediate care facility for the mentally
7 retarded" appears, as the context requires.

8 SECTION 15. Sections 383-7, 386-1, 392-5, and 393-5,
9 Hawaii Revised Statutes, are amended by substituting the term
10 "developmental and intellectual disabilities", or like term,
11 wherever the term "developmental disabilities and mental
12 retardation", or like term, appears, as the context requires.

13 SECTION 16. Sections 431:10-212 and 432:1-601, Hawaii
14 Revised Statutes, are amended by substituting the term "children
15 with intellectual disabilities and physically disabled children"
16 wherever the term "mentally retarded and handicapped children"
17 appears, as the context requires and by substituting the term
18 "intellectual disability or physical disability" wherever the
19 term "mental retardation or physical handicap" appears, as the
20 context requires.

21 SECTION 17. Section 518-3, Hawaii Revised Statutes, is
22 amended by substituting the term "intermediate care facility for



1 individuals with intellectual disabilities in the community"
2 wherever the term "intermediate care facility/mental
3 retardation-community" appears, as the context requires.

4 SECTION 18. This Act is not intended to change the
5 coverage, eligibility, rights, responsibilities, or definitions
6 referred to in the amended provisions.

7 SECTION 19. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 20. This Act shall take effect upon its approval.



Report Title:

Intellectual Disabilities

Description:

Changes references in the Hawaii Revised Statutes by substituting "intellectual disabilities", or like term, wherever the term "mental retardation", or like term, appears. (SD1)

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

