

STAND. COM. REP. NO.

557

Honolulu, Hawaii
February 15, 2013

RE: H.B. No. 991
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Health, to which was referred H.B. No. 991
entitled:

"A BILL FOR AN ACT RELATING TO MENTAL HEALTH TREATMENT,"

begs leave to report as follows:

The purpose of this measure is to amend the process for
obtaining a Family Court order for involuntary outpatient mental
health treatment by establishing a process for obtaining an order
for assisted community treatment.

The National Alliance on Mental Illness, Hawaii State
Chapter; Mental Health America of Hawaii; Hawaii Substance Abuse
Coalition; The Queen's Medical Center; Catholic Charities Hawaii;
PHOCUSED; the Institute for Human Services, Inc.; and a few
individuals submitted testimony in support of this measure. The
Department of Health, Honolulu Police Department, American Civil
Liberties Union of Hawaii, and one individual submitted testimony
in opposition to this measure. The Hawaii Disability Rights
Center submitted comments.

Your Committee has amended this measure by:

- (1) Amending the criteria for a Family Court order of
assisted community treatment to clarify requirements for
the mental condition and degree of disability of the
subject of a petition for an order as well as for

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procedures for the Court's consideration of evidence of that mental condition and degree of disability;

- (2) Specifying that an adult child of an individual has standing to petition the Family Court for an order of assisted community treatment for the individual;
- (3) Increasing the time that a person who is the subject of a petition for assisted community treatment may be involuntarily committed to a psychiatric facility for examination from twenty-four to forty-eight hours;
- (4) Specifying that a person subject to an order for assisted community treatment may be forcibly administered medication in either a hospital or a correctional setting;
- (5) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that this measure raises a number of issues involving the civil rights of persons who are the subject of petitions or orders for assisted community treatment, particularly, although not exclusively, in the matter of forcible detention for purposes of transportation or treatment pursuant to an order. Your Committee respectfully requests that your Committee on Judiciary deliberate further on these issues should that Committee choose to consider this measure.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 991, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 991, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Health,

Delia A. Belatti
DELLA AU BELATTI, Chair



