

Honolulu, Hawaii
March 4, 2016

RE: H.B. No. 2559
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2559, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to require the family courts to consider assisted community treatment as an alternative to commitment to a psychiatric facility for a person subject to a petition for involuntary hospitalization. This measure also repeals the sunset date of current statutes establishing criteria and procedures for family court-ordered assisted community treatment.

One concerned individual testified in support of this measure. The Department of the Attorney General testified in opposition. The Judiciary, Department of Health, Hawaii Disability Rights Center, and one concerned individual provided comments.

Your Committee notes that this measure makes it easier for the courts and mental health agencies to assist persons who can benefit from mental health treatment, but who are on the borderline between involuntary hospitalization and outpatient Assisted Community Treatment (ACT).

Under current law, section 334-60.2(3), Hawaii Revised Statutes (HRS), the court must release a person who is the subject of a petition for involuntary hospitalization if the court

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determines that the person should not be hospitalized and there is no suitable alternative treatment that is available through existing facilities and programs.

However, current law does not appear to authorize a court to order a person into an ACT program if the person is the subject of a petition solely for involuntary hospitalization. Instead, current law requires a new petition to be filed under section 334-123, HRS, to require the person to participate in an ACT program. This bifurcated process is not efficient, and it fails to provide vulnerable people with treatment between the time of release after a petition for involuntary hospitalization is denied and the time that the person is brought into an ACT program.

Your Committee believes that, by combining the proceedings for involuntary hospitalization and for ACT, this measure will enable the courts to immediately direct people who will benefit from outpatient treatment into an ACT program if they do not meet the criteria for involuntarily hospitalization. Your Committee believes that this measure will save time and resources, and it will better serve both those persons who need treatment, and can do so in an outpatient setting, as well as better serving the entire community. Accordingly, your Committee recommends this measure be passed without amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2559, H.D. 1, and recommends that it pass Third Reading.

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



KARL RHOADS, Chair



