

1 mental health petitions, including guardianships, extend to the
2 judiciary, specifically to the family courts and the office of
3 the public guardian. Additional funding for judges and staff
4 are needed to properly assess, file, and adjudicate these
5 matters. The social costs of not acting greatly outweigh the
6 modest staffing costs.

7 The purpose of this Act is to establish the following
8 positions dedicated to the preparation, filing, defense, and
9 adjudication of assisted community treatment petitions, related
10 guardianship petitions, and other legal filings:

- 11 (1) A deputy attorney general position;
- 12 (2) A family court judge in the first circuit; and
- 13 (3) A staff person in the office of the public guardian.

14 PART II

15 SECTION 2. Act 221, Session Laws of Hawaii 2013, is
16 amended by amending section 24 to read as follows:

17 "SECTION 24. This Act shall take effect on January 1,
18 2014; provided that:

- 19 (1) Petitions filed pursuant to section 334-123, Hawaii
20 Revised Statutes, for assisted community treatment
21 involving a designated mental health program that is a



1 state-operated provider shall not be filed until after
2 July 1, 2015;

3 (2) Any private provider wishing to file a petition
4 pursuant to section 334-123, Hawaii Revised Statutes,
5 for assisted community treatment may do so after
6 January 1, 2014, [~~using its own resources,~~] if the
7 petitioner is to be the designated mental health
8 program; [~~and~~]

9 (3) Any interested party wishing to file a petition
10 pursuant to section 334-123, Hawaii Revised Statutes,
11 for assisted community treatment may do so after
12 January 1, 2014, [~~using the party's own resources,~~] if
13 the designated mental health program is a private
14 provider[-]; and

15 (4) The department of the attorney general shall be
16 responsible for petitions brought pursuant to section
17 334-123, Hawaii Revised Statutes, unless the private
18 provider or other interested party declines
19 assistance."

20 SECTION 3. The department of the attorney general shall
21 establish one deputy attorney general position dedicated to



1 assisted community treatment petitions. The deputy attorney
2 general appointed pursuant to this Act shall have
3 responsibilities that include:

- 4 (1) Preparing, filing, and defending petitions for
5 assisted community treatment, pursuant to chapter 334,
6 part VIII, Hawaii Revised Statutes, including any
7 petitions brought or requested by a private provider
8 and other interested party, unless the private
9 provider or interested party declines assistance;
- 10 (2) Obtaining the necessary documentation to file the
11 petition and assisting with related guardianship
12 petitions and petitions for orders to treat, if
13 requested;
- 14 (3) Coordinating responsibilities with the adult mental
15 health division in the department of health and the
16 office of the public guardian in the judiciary; and
- 17 (4) Engaging in community education.

18 SECTION 4. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$95,000 or so much
20 thereof as may be necessary for fiscal year 2019-2020 and the
21 same sum or so much thereof as may be necessary for fiscal year



1 2020-2021 for the appointment of a deputy attorney general
2 pursuant to section 3 of this Act.

3 The sums appropriated shall be expended by the department
4 of the attorney general for the purposes of this Act.

5 PART III

6 SECTION 5. Section 603-3, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§603-3 First circuit court judges.** Effective July 1,
9 1992, the circuit court of the first circuit shall consist of
10 [~~twenty-five~~] twenty-six judges, [~~who shall be styled as first,~~
11 ~~second, third, fourth, fifth, sixth, seventh, eighth, ninth,~~
12 ~~tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth,~~
13 ~~sixteenth, seventeenth, eighteenth, nineteenth, twentieth,~~
14 ~~twenty first, twenty second, twenty third, twenty fourth, and~~
15 ~~twenty fifth judge, respectively.] who shall each be known as
16 judges of the circuit court of the first circuit."~~

17 SECTION 6. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$170,000 or so much
19 thereof as may be necessary for fiscal year 2019-2020 and the
20 sum of \$330,000 or so much thereof as may be necessary for
21 fiscal year 2020-2021 for:



- 1 (1) One permanent full-time equivalent (1.00 FTE) district
2 family court judge dedicated to hearing matters
3 related to petitions for assisted community treatment,
4 orders to treat, and guardianships for individuals
5 with severe mental illness; provided that the judge
6 may hear other matters as permitted by the calendar;
7 and
8 (2) Additional staff, as necessary, to support the
9 district family court judge identified in paragraph
10 (1).

11 The sums appropriated shall be expended by the judiciary
12 for the purposes of this Act.

13 SECTION 7. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$55,000 or so much
15 thereof as may be necessary for fiscal year 2019-2020 and the
16 sum of \$55,000 or so much thereof as may be necessary for fiscal
17 year 2020-2021 for one permanent full-time equivalent (1.00 FTE)
18 social worker IV in the office of the public guardian who shall
19 be dedicated to handling petitions and actions brought on behalf
20 of homeless individuals with severe mental illness, including



1 coordinating with private service providers and other interested
2 parties.

3 The sums appropriated shall be expended by the judiciary
4 for the purposes of this Act.

5 SECTION 8. The judiciary shall forward to the department
6 of health copies of all petitions and orders of assisted
7 community treatment, to be used by the department to fulfill its
8 reporting obligation pursuant to Act 111, Session Laws of Hawaii
9 2017.

10 PART IV

11 SECTION 9. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 10. This Act shall take effect on July 1, 2019.

14

INTRODUCED BY: Karl Rhoad
Roseal de Baker



S.B. NO. 1464

Report Title:

AG; JUD; DOH; Judicial Proceedings; Assisted Community Treatment; Petitions; Appropriations

Description:

Establishes certain positions in the Department of the Attorney General, Judiciary, and Department of Health dedicated to the preparation, filing, defense, and adjudication of assisted community treatment petitions, related guardianship petitions, and other legal filings. Appropriates funds.

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

