

STAND. COM. REP. NO.

834

Honolulu, Hawaii

MAR 05 2021

RE: S.B. No. 199
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 199, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ASSISTED COMMUNITY TREATMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Mandate appointment of a guardian ad litem to represent the best interest of a mentally ill individual in assistant community treatment proceedings and regarding an application for emergency examination and hospitalization, also known as an MH-1 application; and
- (2) Eliminate the need for the Office of the Public Defender to participate in the proceedings.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu; Partners in Care; The Institute for Human Services, Inc.; St. Elizabeth's Church; Ohana Health Plan; and four individuals. Your Committee received comments on this measure from the Judiciary, Department of the Attorney General, Department of Health, Office of the Public Defender, Governor's Coordinator on Homelessness, and Hawaii Disability Rights Center.



Your Committee finds that the Assisted Community Treatment program (ACT) established in 2013 provides individuals with severe mental illness who are unlikely to live safely in the community without available supervision with necessary medical treatment and medication when it is in the individual's best interest. Although ACT presents these individuals with an opportunity to receive on-going treatment in the least restrictive setting and serves as a vital alternative to repeat emergency interventions as their primary course of treatment, many mentally ill individuals fail to participate in the program. Existing law does not require a guardian ad litem to be appointed to represent the individual with severe mental illness participating in ACT. Your Committee further finds that the mandatory appointment of a guardian ad litem will improve the ACT process by providing an advocate for the concerned individual's needs and interest.

Your Committee has amended this measure by:

- (1) Removing MH-1 applications from the proceedings requiring the appointment of a guardian ad litem; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 199, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 199, S.D. 2.

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



KARL RHOADS, Chair



