



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Testimony COMMENTING on H.B. 950
RELATING TO ASSISTED COMMUNITY TREATMENT ORDERS

REPRESENTATIVE DELLA AU BELATTI, CHAIR
HOUSE COMMITTEE ON HEALTH AND HOMELESSNESS

Hearing Date, Time and Room: Friday, February 3, 2023 at 9:30 a.m. in Room 329/VIDEO

1 **Fiscal Implications:** Undetermined.

2 **Department Position:** The Department of Health (“Department”) appreciates the intent of this
3 measure and offers comments expressing concerns.

4 **Department Testimony:** The Adult Mental Health Division (AMHD) provides the following
5 testimony on behalf of the Department.

6 The purpose of this measure is to amend Hawaii Revised Statutes §334-127, and Hawaii
7 Revised Statutes §334-130. As drafted, this measure suggests changes in the timeframe for
8 duration of the assisted community treatment court order from no more than one year to no
9 more than two years, and to increase the criteria for continuing treatment from 80 to 100 days.

10 The Department is committed to addressing the needs of individuals who live with
11 behavioral health issues and need necessary medical treatment when it is in their best interest.
12 Assisted Community Treatment (ACT) is an important method to ensure the application of
13 those services for those who would benefit from treatment over their objection. The
14 Department is committed to supporting the availability and effectiveness of ACT, including
15 working with state agencies and community partners to improve access and implementation.

1 We ask for clarification regarding the data that support these statute changes. We are
2 unaware of data explaining how the proposed changed timeframes will impact outcomes when
3 providing ACT.

4 At this time, our goal of effective and efficient use of ACT can best be accomplished
5 through changes in practice through training and clarification of instruction as noted in S.B. 987
6 and H.B. 885.

7 **Offered Amendments:** None.

8 Thank you for the opportunity to testify on this measure.



The Institute for Human Services, Inc.
Ending the Cycle of Homelessness

TO: Honorable Rep. Della Au Belatti
Chair, House Committee on Health and Homelessness

FROM: Connie Mitchell, Executive Director
IHS, The Institute for Human Services, Inc.

RE: HB950 – RELATING TO ASSISTED COMMUNITY TREATMENT ORDERS

HEARING: February 3, 2023 at 9:30 AM

POSITION: IHS supports the intent of HB 950

The Institute for Human Services respectfully offers the following amendments to HB1155 which would integrate the intent of HB950 to extend the duration of assisted community treatment (ACT) by streamlining the process for petitioning for up to two years after initial order is granted:

§334-133 Petition for additional period of treatment; hearing. (a) *Prior to the expiration of the period of assisted community treatment ordered by the family court, any interested party may file a motion [petition] in the existing proceeding with the family court for an order of continued assisted community treatment. The motion [petition] shall be served on all persons who have entered an appearance in the proceeding. [filed and notice provided in the same manner as under sections 334-123 and 334-125.] If the motion is accompanied by a certificate of a licensed psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization who has examined the subject of the petition within twenty calendar days prior to the filing of the motion, and who attests under penalties of perjury that the criteria in section 334-121 continue to be present, and there is no objection filed within 10 days of the filing of the motion, the Court may determine the motion based on the record before it and enter an order as provided in section 334-127.*

(b) if an objection is filed to the motion within 10 days with any evidence contesting the certificate in subsection (1), or if the motion is not accompanied by a certificate as described in subsection (1), then the family court shall hold a hearing on the motion [petition] and make its decision in the same manner provided for a petition under sections 334-[123] 124 to 334-127. The family court may order the continued assisted community treatment for not more than two [one] years after the date of the hearing pursuant to this section if the court finds that the criteria for assisted community treatment continue to exist and are likely to continue beyond one hundred eighty days.

(c) Nothing in this section shall preclude the subject's stipulation to the continuance [of] an existing court order. This section shall be in addition to the provisions on the objection to discharge.

HB-950

Submitted on: 2/1/2023 12:08:20 PM

Testimony for HLT on 2/3/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Comments	Remotely Via Zoom

Comments:

If the additional year will provide better oversight of the individual, we have no objection.

TESTIMONY OF ELLEN GODBEY CARSON ON HB 950

I write in strong support of HB 950.

While I write as an individual, I have served as President of Hawaii Women Lawyers, the Hawaii State Bar Association, and the Institute for Human Services. The major part of my legal career and thousands of hours of volunteer community work have been spent seeking to protect constitutional rights and the rights of vulnerable persons.

I support HB 950 because it will make our Assisted Community Treatment (“ACT”) law more effective for those most in need, ie, those with very serious mental illness and/or severe substance abuse, who lack decisional authority. This bill will increase the likelihood that these persons will receive early intervention and appropriate care and treatment in the least restrictive setting. We have miracles of modern medicine that can treat even the most severe mental illnesses. But treatment requires either actual consent or legal procedures for ordering appropriate treatment. We owe it to these individuals to provide them life-saving treatment to stabilize them and help treat their mental illness.

This bill will help us better address these needs by extending the time period the family court can order Assisted Community Treatment, from one year to two years.

For persons suffering from severe mental illness who meet the criteria for assisted community treatment, their period of appropriate supervision and treatment often exceeds the current one year limit, requiring the parties to come back into court seeking another one year period. This amendment will obviate the need for instituting new court proceedings, while retaining protections already in our ACT law for discharging patients from ACT orders where the criteria for the ACT order no longer exist.

Thank you for your consideration of my testimony and helping protect our most vulnerable residents.

Ellen Godbey Carson
Honolulu, Hawaii

HB-950

Submitted on: 2/2/2023 8:00:51 PM

Testimony for HLT on 2/3/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Mary Pat Waterhouse	Individual	Support	Written Testimony Only

Comments:

This bill allows an ACT order up to 2 years. If the court feels less time is adequate it allows for that.