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# A BILL FOR AN ACT

RELATING TO MENTAL HEALTH SERVICES FOR CHILDREN AND ADOLESCENTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that addressing mental  
2 health needs early in life is imperative for better health and  
3 well-being in adulthood. Adverse childhood experiences, various  
4 forms of trauma during a child's development, are linked to a  
5 greater likelihood of lifelong risky behaviors that can lead to  
6 chronic diseases and poor mental health, including depression,  
7 anxiety, and suicidality.

8       The importance of children and adolescent mental health was  
9 emphasized during the COVID-19 pandemic. The pandemic  
10 significantly impacted the social, emotional, and mental  
11 well-being of youth globally. Hawaii children and adolescents,  
12 like those in other states in the nation, were more likely to  
13 have depression and anxiety after the first year of the COVID-19  
14 pandemic.

15       The child and adolescent mental health division of the  
16 department of health is the State's medicaid provider of  
17 intensive mental health services for youth. Services provided



1 by the division may be described as a multi-tiered and  
2 multi-agency system of care.

3 The child and adolescent mental health division receives  
4 referrals from, and provides mental health services in  
5 coordination and collaboration with, other state government  
6 agencies, as appropriate. For example, the division may receive  
7 a client who is housed in a detention home, has been abused, and  
8 has dropped out of school. The division will provide the child  
9 with treatment and services in coordination with other state  
10 agencies, including the judiciary, child welfare services, and  
11 department of education, that may be involved given the child's  
12 circumstances. To minimize disruptions in the daily lives of  
13 the clients and their families, the division provides its  
14 clients with community-based services and supports by  
15 contracting with mental health professionals who practice near  
16 or in the communities where eligible children and adolescents  
17 live.

18 The purpose of this Act is to clarify and update the  
19 responsibilities of the child and adolescent mental health  
20 division of the department of health to reflect the current



1 mental health systems of care that address mental health needs  
2 of children and adolescents in the State.

3 SECTION 2. Chapter 321, Hawaii Revised Statutes, is  
4 amended by adding a new section to part XV to be appropriately  
5 designated and to read as follows:

6 **"§321- Definitions. As used in this part:**

7 "Client" means a child or adolescent who is receiving  
8 services from the child and adolescent mental health division.

9 "Division" means the child and adolescent mental health  
10 division of the department of health."

11 SECTION 3. Section 321-171, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§321-171 Children's and adolescents' mental health**  
14 **services; department responsibility.** It shall be the  
15 responsibility of the department of health to:

16 (1) Provide preventative health services for children and  
17 [youth,] adolescents; and

18 (2) Provide diagnostic and treatment services for  
19 emotionally disturbed children and [youth, and

20 ~~(3) Provide treatment and rehabilitative services for~~  
21 ~~mentally ill children and youth.] adolescents.~~



1 ~~[Such]~~ These services shall be delivered ~~[at the earliest~~  
2 ~~possible moment]~~ as soon as reasonably possible after the need  
3 for ~~[such]~~ the services is established. ~~[All]~~ Subject to the  
4 availability of state or federal resources, eligible children  
5 and ~~[youth]~~ adolescents between the ages of birth and seventeen  
6 years shall receive the necessary mental health services to  
7 ~~[insure]~~ ensure their proper and full development. ~~[If there is~~  
8 ~~any adjudication or settlement of any legal action involving the~~  
9 ~~delivery of children's mental health services, the]~~ The  
10 department of health shall be responsible for the coordination  
11 of carrying out the terms of ~~[the]~~ any judgment or settlement~~[.]~~  
12 related to the delivery of children's and adolescents' mental  
13 health services, as required by this section."

14 SECTION 4. Section 321-172, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "~~§321-172 [Children's mental health services branch.]~~  
17 Child and adolescent mental health division. There is  
18 established within the department of health~~[, mental health~~  
19 ~~division, a children's]~~ a child and adolescent mental health  
20 ~~[services branch]~~ division, which shall coordinate the effective  
21 and efficient delivery of mental health services to children and



1 ~~[youth,]~~ adolescents, including services provided by private  
2 nonprofit agencies under contract to the department of health,  
3 and be responsible for the development and implementation of  
4 centralized and highly specialized programs for children and  
5 ~~[youth.]~~ adolescents."

6 SECTION 5. Section 321-173, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "**§321-173 [Community mental health services] Family**  
9 **guidance centers for children and [youth.] adolescents.** [There  
10 ~~is established within each community mental health center a~~  
11 ~~children's mental health services team which,~~] The division  
12 shall implement and administer family guidance centers. The  
13 family guidance centers, in conjunction with public and private  
14 agencies, shall develop and provide a network of preventative,  
15 early identification, screening, diagnostic, treatment, and  
16 rehabilitative services for children and ~~[youth]~~ adolescents  
17 based on the needs of each ~~[geographic region]~~ county in which  
18 the ~~[community mental health]~~ family guidance center is located.  
19 The ~~[children's mental health services teams]~~ division shall  
20 cooperate with and promote the coordination of the activities of  
21 local public and private agencies servicing children and ~~[youth]~~



1 adolescents in their [particular geographic area.] county or the  
2 closest county that has resources and services that meet the  
3 client's needs."

4 SECTION 6. Section 321-175, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "**§321-175 Statewide [children's] child and adolescent**  
7 **mental health services plan.** (a) Commencing [~~on September 1,~~  
8 ~~1980,~~] no later than twenty days before the convening of the  
9 regular session of 2027, and every [~~four~~] five years thereafter,  
10 the [~~children's mental health services branch, on or before~~  
11 ~~September 1 of each four-year cycle,~~] division shall develop and  
12 [~~present~~] submit to the governor and the legislature[, ~~as well~~  
13 ~~as release for public inspection and comment,~~] a current  
14 statewide [~~children's~~] child and adolescent mental health  
15 services plan [~~which~~] that shall include:

- 16 (1) [~~A survey of the children and youth in the State who~~  
17 ~~are (A) in need of and (B) receiving mental health~~  
18 ~~services showing the total number of such children and~~  
19 ~~youth and their geographic distribution,~~] An  
20 assessment of the mental health needs of children and  
21 adolescents in the State;



1           (2) ~~[Identification of the public and private providers of~~  
2           ~~mental health services to children and youth,]~~ An  
3           assessment of resources available to meet the mental  
4           health needs of children and adolescents in the State;

5           (3) ~~[Identification of the criteria and standards for the~~  
6           ~~treatment to be received by emotionally disturbed or~~  
7           ~~mentally ill children and youth,]~~ Identification of  
8           gaps between needs and available resources;

9           ~~[(4) A program for the recruitment, orientation, and in-~~  
10           ~~service training of personnel in community mental~~  
11           ~~health services to children and youth, and to allied~~  
12           ~~fields, including participation, as appropriate, by~~  
13           ~~institutions of higher learning, state and local~~  
14           ~~agencies, and other public and private agencies having~~  
15           ~~relevant expertise;~~

16           ~~+(5)]~~ (4) A description of the provisions for prevention,  
17           ~~[early identification,]~~ diagnosis, screening, and  
18           treatment, which is inclusive of [and] rehabilitation  
19           ~~[(including, with regard to treatment and~~  
20           ~~rehabilitation, services provided through inpatient,~~



1           ~~outpatient, and community residential facilities) of~~  
2           ~~children and youth in need of mental health services;~~

3       ~~(6) An implementation plan for providing mental health~~  
4           ~~services to all children and youth in the State in~~  
5           ~~each of the above mentioned areas; and~~

6       ~~(7) Any additional matters which may be necessary or~~  
7           ~~appropriate, including recommendations for amendment~~  
8           ~~of laws, changes in administrative practices and~~  
9           ~~patterns of organization, and changes in levels and~~  
10          ~~patterns of financial support relating to children's~~  
11          ~~mental health services.]; and~~

12       (5) Recommendations to the governor and the legislature on  
13           how mental health needs of children and adolescents  
14           can be met.

15       (b) Prior to the submission of the statewide ~~[children's]~~  
16       child and adolescent mental health services plan under  
17       subsection (a) to the governor and the legislature, the  
18       department of health shall hold public hearings on the plan in  
19       accordance with ~~[chapter 91.]~~ section 92-41. There shall be at  
20       least one hearing in each county; ~~[except]~~ provided that the  
21       city and county of Honolulu shall have three hearings in



1 strategic geographic locations to provide the widest exposure of  
2 the plan to the population.

3 (c) Any amendments to the statewide ~~[children's]~~ child and  
4 adolescent mental health services plan shall be made after  
5 public meetings held in accordance with ~~[chapter 91.]~~ subsection  
6 (b)."

7 SECTION 7. Section 321-176, Hawaii Revised Statutes, is  
8 repealed.

9 ~~["§321-176 Biennial review of progress. Every two years,~~  
10 ~~starting January 1, 1979, the department of health, on or before~~  
11 ~~January 1 of each two-year cycle, shall submit to the~~  
12 ~~legislature and the governor a report setting forth:~~

- 13 ~~(1) A detailed analysis of the progress made toward~~  
14 ~~fulfilling the statewide children's mental health~~  
15 ~~services plan developed under section 321-175; and~~  
16 ~~(2) Other matters which are necessary or appropriate,~~  
17 ~~including recommendations for any amendment to any~~  
18 ~~law, any change in the administrative practices and~~  
19 ~~patterns of organization, the current and prevailing~~  
20 ~~memoranda of agreement, and any change in the levels~~  
21 ~~and patterns of financial support."]~~



1       SECTION 8. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.  
3       SECTION 9. This Act shall take effect upon its approval.



**Report Title:**

DOH; Child and Adolescent Mental Health Division; Child and Adolescent Mental Health; Services Plan

**Description:**

Clarifies and updates the responsibilities of the Child and Adolescent Mental Health Division of the Department of Health to reflect the current mental health systems of care that address the mental health needs of children and adolescents in the State. (SD1)

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