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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, which  
4 are various forms of trauma during a child's development, are  
5 linked to a greater likelihood of lifelong risky behaviors that  
6 can lead to chronic diseases and poor mental health, including  
7 depression, anxiety, and suicidality.

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

14           The child and adolescent mental health division of the  
15 department of health is the State's medicaid provider of  
16 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 by amending the title of part XV to read as follows:

13 "PART XV. MENTAL HEALTH SERVICES FOR CHILDREN AND [YOUTH]  
14 ADOLESCENTS"

15 SECTION 4. Section 321-171, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§321-171 [Children's mental] Mental health services[+]  
18 for children and adolescents; department responsibility. It

19 shall be the responsibility of the department of health to:

- 20 (1) Provide [~~preventative~~] preventive health services for  
21 children and [~~youth,~~] adolescents; and



1 (2) Provide diagnostic and treatment services for  
 2 emotionally disturbed children and ~~[youth; and~~  
 3 ~~(3) Provide treatment and rehabilitative services for~~  
 4 ~~mentally ill children and youth.~~

5 ~~Such] adolescents.~~

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

19 SECTION 5. Section 321-172, Hawaii Revised Statutes, is  
 20 amended to read as follows:



1           "~~§321-172 [Children's mental health services branch.]~~  
2   Child and adolescent mental health division. There [~~is~~] shall  
3   be established within the department of health [~~, mental health~~  
4   ~~division, a children's]~~ a child and adolescent mental health  
5   ~~[services branch]~~ division, which shall coordinate the effective  
6   and efficient delivery of mental health services to children and  
7   ~~[youth,]~~ adolescents, including services provided by private  
8   nonprofit agencies under contract to the department of health,  
9   and be responsible for the development and implementation of  
10   centralized and highly specialized programs for children and  
11   ~~[youth.]~~ adolescents."

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

14           "~~§321-173 [Community mental health services]~~ Family  
15   guidance centers for children and [youth. ~~There is established~~  
16   ~~within each community mental health center a children's mental~~  
17   ~~health services team which,]~~ adolescents. The division shall  
18   implement and administer family guidance centers. The family  
19   guidance centers, in conjunction with other public and private  
20   agencies, shall develop and provide a network of preventative,  
21   early identification, screening, diagnostic, treatment, and



1 rehabilitative services for children and [~~youth~~] adolescents  
2 based on the needs of each [~~geographic region~~] county in which  
3 the [~~community mental health~~] family guidance center is located.  
4 The [~~children's mental health services teams~~] division shall  
5 cooperate with and promote the coordination of the activities of  
6 local public and private agencies servicing children and [~~youth~~]  
7 adolescents in their [~~particular geographic area.~~] county or the  
8 closest county that has resources and services that meet the  
9 client's needs."

10 SECTION 7. Section 321-174, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§321-174 Coordination of services with department of**  
13 **education.** The [~~children's~~] child and adolescent mental health  
14 services team shall cooperate with the schools located in their  
15 particular geographic region in identifying and referring for  
16 treatment such children or [~~youths~~] adolescents in need of  
17 mental health services. In conjunction with the [~~children's~~]  
18 child and adolescent mental health services team, the department  
19 of education and the department of health shall develop a  
20 memorandum of agreement which shall provide for a sharing of



1 responsibilities for the affected agencies and shall include but  
2 not be limited to provisions for:

- 3 (1) Accepting referrals from the school counselors and  
4 diagnostic teams for evaluation and direct treatment  
5 of children and [~~youth~~] adolescents suffering from  
6 mental and emotional disorders;
- 7 (2) Providing consultation to enable teachers and other  
8 school personnel to aid in the identification and  
9 screening of children and adolescents in need of  
10 professional mental health services and the services  
11 of psychologists, as defined in chapter 465;
- 12 (3) Providing training and education about emotional  
13 disturbances of children and adolescents to teachers,  
14 school counselors, and parents;
- 15 (4) Assisting the department of education with mental  
16 health services and the services of psychologists, as  
17 defined in chapter 465 for handicapped children[+] and  
18 adolescents;
- 19 (5) Developing an ongoing mechanism to assess, document,  
20 and report to the legislature and the governor unmet



1 needs for mental health services for students in each  
2 geographic region; and

3 (6) Performing other related services for school  
4 personnel, children, adolescents, and parents."

5 SECTION 8. Section 321-175, Hawaii Revised Statutes, is  
6 amended to read as follows:

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

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



- 1       ~~(2) Identification of the public and private providers of~~
- 2       ~~mental health services to children and youth;~~
- 3       ~~(3) Identification of the criteria and standards for the~~
- 4       ~~treatment to be received by emotionally disturbed or~~
- 5       ~~mentally ill children and youth;~~
- 6       ~~(4) A program for the recruitment, orientation, and in-~~
- 7       ~~service training of personnel in community mental~~
- 8       ~~health services to children and youth, and to allied~~
- 9       ~~fields, including participation, as appropriate, by~~
- 10       ~~institutions of higher learning, state and local~~
- 11       ~~agencies, and other public and private agencies having~~
- 12       ~~relevant expertise;~~
- 13       ~~(5)]~~ (1) An assessment of the mental health needs of
- 14       children and adolescents in the State;
- 15       (2) An assessment of resources available to meet the
- 16       mental health needs of children and adolescents in the
- 17       State;
- 18       (3) Identification of gaps between needs and available
- 19       resources;
- 20       (4) A description of the provisions for prevention, [early
- 21       identification,] diagnosis, screening, and treatment,



1           ~~[and] which is inclusive of rehabilitation~~  
2           ~~[(including, with regard to treatment and~~  
3           ~~rehabilitation, services provided through inpatient,~~  
4           ~~outpatient, and community residential facilities) of~~  
5           ~~children and youth in need of mental health services;~~  
6           ~~(6) An implementation plan for providing mental health~~  
7           ~~services to all children and youth in the State in~~  
8           ~~each of the above mentioned areas; and~~  
9           ~~(7) Any additional matters which may be necessary or~~  
10           ~~appropriate, including recommendations for amendment~~  
11           ~~of laws, changes in administrative practices and~~  
12           ~~patterns of organization, and changes in levels and~~  
13           ~~patterns of financial support relating to children's~~  
14           ~~mental health services.]; and~~  
15           (5) Recommendations to the governor and legislature on how  
16           to meet the mental health needs of children and  
17           adolescents.

18           (b) [~~Prior to~~] Before the submission of the statewide  
19           ~~[children's]~~ child and adolescent mental health services plan  
20           under subsection (a) to the governor and the legislature, the  
21           department of health shall hold public hearings on the plan in



1 accordance with [~~chapter 91.~~] section 92-41. There shall be at  
2 least one hearing in each county; [~~except~~] provided that the  
3 city and county of Honolulu shall have three hearings in  
4 strategic geographic locations to provide the widest exposure of  
5 the plan to the population.

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

10 SECTION 9. Section 321-176, Hawaii Revised Statutes, is  
11 repealed.

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

- 16 (1) ~~A detailed analysis of the progress made toward~~  
17 ~~fulfilling the statewide children's mental health~~  
18 ~~services plan developed under section 321-175; and~~
- 19 (2) ~~Other matters which are necessary or appropriate,~~  
20 ~~including recommendations for any amendment to any~~  
21 ~~law, any change in the administrative practices and~~



1           ~~patterns of organization, the current and prevailing~~  
2           ~~memoranda of agreement, and any change in the levels~~  
3           ~~and patterns of financial support." ]~~

4           SECTION 10. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 11. 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. (HD2)

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