

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 334-60.5, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) The subject of the petition shall be present at all hearings unless [he] the subject waives [his] the right to be present, is unable to attend, or creates conditions which make it impossible to conduct the hearing in a reasonable manner as determined by the judge. A waiver is valid only upon acceptance by the court following a judicial determination that the [person] subject understands [his] the subject's rights and is competent to waive them, or is unable to participate. If the subject is unable to participate, the judge shall appoint a guardian ad litem or a temporary guardian as provided in Article V of chapter 560, to represent [him] the subject throughout the proceedings.”

SECTION 2. Section 334-76, Hawaii Revised Statutes, is amended to read:

“**§334-76 [[NEW]] Discharge from custody.** Subject to any special requirements of law as provided in sections 704-406, 704-411, and 706-607 or elsewhere, with respect to patients committed on court order, the administrator of a psychiatric facility [shall], pursuant to section [334-60(b)(6),] 334-60.7, shall send a notice of intent to discharge to those persons specified in the order of commitment as entitled to receive notice of intent to discharge and the administrator or [his] the deputy or the physician assuming medical responsibility for the patient shall discharge an involuntary patient when [he] the patient is no longer a proper subject for commitment, as determined by the criteria for involuntary hospitalization [[] in []] section [334-60(b)(1).] 334-60.2.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved June 4, 1985.)