

STAND. COM. REP. NO.

1264

Honolulu, Hawaii

MAR 25 2021

RE: H.B. No. 345
H.D. 2
S.D. 1

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

Sir:

Your Committees on Human Services and Health, to which was referred H.B. No. 345, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to require the court to appoint, at the time an assisted community treatment program petition is filed, any guardian to represent the best interests of the individual who is subject to the petition throughout the pendency of the judicial proceedings

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

Your Committees find that the Assisted Community Treatment Program, established in 2013, provides individuals with severe mental illness, and who are unlikely to live safely in the community without available supervision, with the necessary medical treatment and medication when it is in the individual's



best interest. Your Committees also find that although the Assisted Community Treatment Program presents these individuals with an opportunity to receive ongoing 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, often due to lack of adequate representation. Your Committees further find that existing law does not require any guardian to be appointed to represent an individual with severe mental illness during Assisted Community Treatment Program proceedings and promote their needs and interests.

Your Committees received testimony from various stakeholders and amendments are necessary to address their concerns. Accordingly, your Committees have amended this measure by:

- (1) Removing all references to "guardian ad litem" and replacing them with "any guardian", or "guardian";
- (2) Requiring the family court to determine if the assisted community treatment petitioner has a guardian, and if not, appoint a public guardian;
- (3) Eliminating the requirement that the Public Defender be appointed to assisted community treatment petitioners or requiring the family court to provide notice to the Public Defender; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Health that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 345, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 345, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Human Services
and Health,



JARRETT KEOHOKALOLE, Chair



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS


Bill / Resolution No.:*	Committee Referral:	Date:
HB 345 HD2	HMS/HTH, JDC/WAM	3/22/2021

The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:
 Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt	✓			
TOTAL	5			

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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 File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes

The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:*	Committee Referral:	Date:
HB 349 HD2	HMS / HTH, JDC / NAM	3-22-2021

The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KEOHOKALOLE, Jarrett (C)	✓			
BAKER, Rosalyn (VC)	✓			
MORIWAKI, Sharon Y.				✓
SAN BUENAVENTURA, Joy A.	✓			
FEVELLA, Kurt	✓			
TOTAL	4	—	—	1

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature: 

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