



STATE OF HAWAI'I FAMILY COURT SECOND CIRCUIT	ORDER [ ] Granting [ ] Dismissing Petition for Assisted Community Treatment; [ ] Treatment Plan	CASE NUMBER FC-M No.
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The above-entitled matter having come for hearing on the date above and upon consideration of the Petition filed herein on the date above, the testimony/testimonies, exhibit(s), and other evidence adduced, the Court finds as follows:

Paragraph No.

1. The Petitioner is  an "interested party" as defined in sec. 334-122, Hawai'i Revised Statutes (HRS).  
 not an "interested party" as defined in HRS sec. 334-122.

2. The Respondent of these proceedings is  a minor.  
 an adult.

The Respondent is  male  female. Birthdate: \_\_\_\_\_.

\_\_\_\_. The Respondent was  duly served with the Petition, but failed to appear.  
 not served with the Petition.

\_\_\_\_. The following interested parties, \_\_\_\_\_

\_\_\_\_\_ were duly served with the Petition, but did not appear.

\_\_\_\_. The following interested parties, \_\_\_\_\_

\_\_\_\_\_ were not served with the Petition.

\_\_\_\_. The Respondent is:

present in the Second Circuit, State of Hawai'i and resides with:

\_\_\_\_\_ at  
(Name and Relationship to Respondent (for example: Parent, Guardian, Spouse, etc.))

\_\_\_\_\_ (Address)

and can be contacted at telephone number(s): \_\_\_\_\_.

not present in the Second Circuit, State of Hawai'i. [HRS §334-123(a)(4)]

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- \_\_\_\_. The Petition and Notice of this hearing was: [HRS §334-125(a)(1) - (a)(3)]
- a. served personally on the Respondent pursuant to the Hawai'i Family Court Rules and HRS sec. 334-125(a)(1).
  - b. served personally or by certified or registered mail to as many as are known to Petitioner of the Respondent's spouse or reciprocal beneficiary, legal parent(s), adult child(ren), and legal guardian, if one has been appointed as are known to Petitioner, and the return receipt(s) and proof of service has/have been filed pursuant to HRS sec. 334-125(a)(2).
  - c. served on the Office of the Public Defender, counsel, or court appointed attorney for Respondent.

- \_\_\_\_. Pursuant to HRS sec. 334-125(b)(1) to (b)(4), the Notice of this hearing included:
- a. the date, time, place of hearing, a clear statement of the purpose of the proceedings and possible consequences to the Respondent, and a statement of the legal standard upon which assisted community treatment is being considered;
  - b. a copy of the Petition;
  - c. notice that if the Respondent is entitled to the assistance of an attorney and that the Office of the Public Defender has been notified of these proceedings; and
  - d. notice that if the Respondent does not want to be represented by the public defender, the Respondent may contact his/her own attorney.

\_\_\_\_. The Respondent  was examined by \_\_\_\_\_,  
(Name of Examining Psychiatrist)  
a licensed psychiatrist, on (date) \_\_\_\_\_.

refused to be examined by a licensed psychiatrist. HRS §334-123(c).

- \_\_\_\_. The time period from the date above when the Respondent was assessed by the examining psychiatrist, before the filing of the Petition, to the date when the same psychiatrist testified was:
- within the 10 calendar days permitted under HRS sec. 334-126(h).
  - not within the 10 calendar days permitted under HRS sec. 334-126(h).

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\_\_\_\_. The examining psychiatrist who testified:

- a.  stated facts supporting the assertion that the Respondent meets all the criteria of assisted community treatment.  
 did not state facts supporting the assertion that the Respondent meets all of the criteria of assisted community treatment.
- b.  did provide a written treatment plan, including any appropriate non-health treatment.  
 did not provide a written treatment plan.
- c.  did provide a rationale for the recommended treatment.  
 did not provide a rationale for the recommended treatment.
- d.  did identify the designated mental health program responsible for the coordination of care.  
 did not identify the designated mental health program responsible for the coordination of care.
- e.  did describe the types or classes of medication(s) which should be authorized.  
 did not describe the types or classes of medication(s) which should be authorized.
- f.  did describe the physical and mental beneficial and detrimental effects of such medication(s).  
 did not describe the physical and mental beneficial and detrimental effects of such medication(s).

The Court further finds and concludes:

Paragraph  
No.

1. That this Court  has jurisdiction over this matter pursuant to HRS Chapter 334;  
 does not have jurisdiction over this matter pursuant to HRS Chapter 334.

\_\_\_\_. That the Petitioner  has made  
 has not made

reasonable efforts to serve personally or pursuant to HRS §334-125(a)(2), by certified or registered mail, return receipt requested, deliverable to the addressee only, to as many as are known to the Petitioner of the Respondent's spouse or beneficiary, legal parents, adult children, and legal guardian, if one has been appointed.

\_\_\_\_. That the Respondent is mentally ill or suffering from substance abuse:

- was proven beyond a reasonable doubt pursuant to HRS sec. 334-127(b); **and**
- was not proven beyond a reasonable doubt pursuant to HRS sec. 334-127(b);

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\_\_\_\_. That the Respondent is unlikely to live safely in the community without available supervision based on the professional opinion of the testifying psychiatrist:

- was proven by clear and convincing evidence pursuant to HRS sec. 334-127(b); **and**
- was not proven by clear and convincing evidence pursuant to HRS sec. 334-127(b);

\_\_\_\_. That the Respondent received inpatient hospital treatment for mental illness or substance abuse in past or had been found to be imminently dangerous to self or others as a result of mental illness or substance abuse:

- was proven by clear and convincing evidence pursuant to HRS sec. 334-127(b); **and**
- was not proven by clear and convincing evidence pursuant to HRS sec. 334-127(b);

\_\_\_\_. That based on the Respondent's treatment history and current condition, the Respondent is now in need of treatment in order to prevent a relapse or deterioration that would predictably result in the Respondent becoming imminently dangerous to self or others:

- was proven by clear and convincing evidence pursuant to HRS sec. 334-127(b); **and**
- was not proven by clear and convincing evidence pursuant to HRS sec. 334-127(b);

\_\_\_\_. That the Respondent's has a history of a lack of adherence to treatment for mental illness or substance abuse and the Respondent's current mental status or the nature of the Respondent's disorder limits or negates the Respondent's ability to make an informed decision to voluntarily seek or comply with recommended treatment:

- was proven by clear and convincing evidence pursuant to HRS sec. 334-127(b); **and**
- was not proven by clear and convincing evidence pursuant to HRS sec. 334-127(b);

\_\_\_\_. That the assisted community treatment is medically appropriate and in the Respondent's best medical interests:

- was proven by clear and convincing evidence pursuant to HRS sec. 334-127(b); **and**
- was not proven by clear and convincing evidence pursuant to HRS sec. 334-127(b);

\_\_\_\_. That, after considering less intrusive alternatives, assisted community treatment is essential to prevent the danger posed by the Respondent:

- was proven by clear and convincing evidence pursuant to HRS sec. 334-127(b).
- was not proven by clear and convincing evidence pursuant to HRS sec. 334-127(b).

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\_\_\_\_. That the beneficial mental and physical effects of the recommended medication outweigh the detrimental mental and physical effects, if any, such that certain types of medication should be included in treatment at the discretion of the treating psychiatrist during the treatment period:

- was proven by clear and convincing evidence pursuant to HRS sec. 334-127(b).
- was not proven by clear and convincing evidence pursuant to HRS sec. 334-127(b).

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THEREFORE, based on the records and file herein, the relevant evidence, testimony of the treating psychiatrist, and argument of the parties, the Court finds that the criteria for assisted community treatment:

- has been met pursuant to HRS chapter 334 and **HEREBY GRANTS** the Petition for Assisted Community Treatment.
- has not been met pursuant to HRS chapter 334 and **HEREBY DISMISSES** the Petition for Assisted Community Treatment. [HRS §334-127(a)]

Furthermore, the Court **HEREBY ORDERS** that:

1. The Respondent shall obtain assisted community treatment for a period of not more than one hundred eighty (180) days; [HRS §334-127(b)]

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2. The *Treatment Plan* submitted with the *Petition* **shall be attached to and made part of this Order.**

The types or classes of medication set forth in the *Treatment Plan* shall be authorized at the treating psychiatrist's discretion. HRS §334-127(b). The treating psychiatrist may prescribe or administer to Respondent reasonable and appropriate medication(s) as specifically authorized by this *Order* and treatment which is consistent with accepted medical standards and this *Order*, including the *Treatment Plan* that was submitted with the *Petition*. The Respondent shall not be physically forced to take medication(s) under this order for assisted community treatment, except in accordance with HRS sec. 334-60.5, relating to admission to a psychiatric facility, subsequent to the date of this Order. HRS sec. 334-126(a) and (b).

3.  The following treating psychiatrist has agreed to being designated and the Court so designates said psychiatrist who shall be responsible for the management and supervision of Respondent's treatment:

Psychiatrist's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

The following administrator of mental health program named below shall be responsible for the management and supervision of Respondent's treatment:

Administrator's Name: \_\_\_\_\_

Name of Designated Mental Health Program:  
\_\_\_\_\_

Address of Designated Mental Health Program:  
\_\_\_\_\_  
\_\_\_\_\_

Telephone Number(s): \_\_\_\_\_

Said administrator may, in turn, designate the treating psychiatrist during the treatment period without court approval. HRS sec. 334-127(c).

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4. Pursuant to HRS sec. 334-128, private treatment pursuant to this court order shall be at the expense of the Respondent, except to the extent such charges are covered by other laws or programs. Treatment through the designated mental health program shall be pursuant to its fee schedule; however the Respondent shall not be denied treatment by the designated mental health program for failure to pay the fees.
5. The treating psychiatrist or psychiatrist's designee shall make all reasonable efforts to solicit the Respondent's compliance with the prescribed treatment. If the Respondent fails or refuses to comply after the efforts to solicit compliance, the treating psychiatrist shall assess whether the Respondent meets the criteria for involuntary admission to a psychiatric facility under part IV of HRS chapter 334 and proceed with admission; provided that the refusal of treatment shall not, by itself, constitute a basis for involuntary hospitalization. HRS sec. 334-129(d).
6. Prior to discharging the Respondent because of the expiration of this Order or because the Respondent is no longer a proper subject for assisted community treatment, as determined by the criteria set forth in HRS sec. 334-121, the treating psychiatrist shall file a *Notice of Intent to Discharge* pursuant to HRS sec. 334-131.
7. Filed copies of the *Notice of Intent to Discharge* shall be served by personal service on or certified mail to the persons listed below pursuant to HRS sec. 334-131(b). If service is by certified mail with return receipt requested, the *Notice of Intent to Discharge* shall be mailed at least ten (10) days prior to the intended date of discharge pursuant to HRS sec. 334-131(c) and the return receipts shall be filed as proof of service. The *Notice of Intent to discharge* shall be served on the following person(s): \_\_\_\_\_

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8. Pursuant to HRS sec. 334-130(b), the Respondent is automatically and fully discharged from this court-ordered assisted community treatment on:

\_\_\_\_\_, which is 180 days from the filing date of this Order.  
(Date)

\_\_\_\_\_  
(Date)

9. This Order shall be subject to the Health Care Privacy Harmonization Act, codified as Chapter 323B of the Hawai'i Revised Statutes.


10.  \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED: Wailuku, Hawai'i, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

Print Judge's Name: \_\_\_\_\_

- c: Petitioner
- Respondent
- Treating Psychiatrist
- Designated Mental Health Program
- Others:

 In accordance with the Americans with Disabilities Act and other applicable state and federal laws, if you require a reasonable accommodation for a disability, please contact the ADA Coordinator at the Family Court Administration Office at PHONE NO. 244-2700, FAX 244-2704 OR TTY 244-2889 or via email at [adarequest@court.hawaii.gov](mailto:adarequest@court.hawaii.gov) at least ten (10) working days prior to your hearing or appointment date. For all Civil related matters, please call 244-2706 or visit the Service Center at 2145 Main Street, Room 141, Wailuku, HI 96793