



The Judiciary, State of Hawai'i

Testimony to the Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Tuesday, April 3, 2018, 10:00 AM
State Capitol, Conference Room 211

WRITTEN TESTIMONY ONLY

by
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Bill No. and Title: House Bill No. 2021, H.D. 2, S.D. 1, Relating to Homeless Individuals with Severe Mental Illness.

Purpose: Requires the Department of Human Services, in consultation with the Department of Health, to establish a pilot project to operate a facility to provide shelter and mental health treatment for homeless individuals with severe mental illness who are subject to an assisted community treatment order or court ordered guardianship. Requires adult protective services to request a court ordered guardianship for homeless individuals with severe mental illness and consult with the family court and other appropriate agencies on homeless individuals with severe mental illness who were subjected to an assisted community treatment order. Requires homeless individuals with severe mental illness to provide identification documentation prior to receiving shelter and mental health treatment. Appropriates funds. Requires approval from Department of the Attorney General. Effective 7/1/3000.

Judiciary's Position:

The Office of the Public Guardian (OPG) supports the intent of the proposed pilot project, but has concerns relating to its implementation.

This bill requires the Department of Human Services (DHS), Adult Protective Services (APS), to seek guardianship for severely mentally ill homeless individuals prior to the



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establishment of the pilot project. If, however, there is no suitable family member, friend, or other person willing and able to serve as the individual's guardian, APS may seek to have the Family Court appoint OPG as guardian of an incapacitated person for these individuals pursuant to chapter 551A, Hawai'i Revised Statutes (HRS).

OPG currently serves as guardian for more than 700 adults statewide, with the office's 9 social workers each carrying a caseload of between 70 to 80 wards. Assuming guardianship of ten severely mentally ill persons with intense psychosocial needs will place increased work demands on OPG's already overtaxed staff, and would require the services of an additional social worker (half-time) and social service assistant (half-time). While the bill appropriates funds for the pilot project, including for the hiring of a social worker and social service assistant, all moneys are appropriated to DHS, and there is no requirement for transfer of any funds to the Judiciary. Further, OPG would require continued funding for these positions in the future should the duration of the guardianships extend beyond the life of the pilot project.

Adult Protective Services oversees persons who are "at risk." The identified participants, however, may not meet APS criteria. Therefore, Institute of Human Services or Department of Health staff may be better suited to initiate and complete the guardianship paperwork. If it is determined that OPG guardianship is appropriate, it should be incumbent upon APS staff to provide the requisite paperwork as a condition of OPG guardianship.

The specific criteria that will be used to select the homeless persons with severe mental illness is unclear, but should take into consideration the severity of an individual's condition, and the individual's level of compliance, adherence to treatment plans, and decisional capacity.

Thank you for the opportunity to testify on House Bill No. 2021, H.D. 2, S.D. 1.