

Hawai'i Revised Annotated
Division 1. Government
Title 19. Health
Chapter 334. Mental Health, Mental Illness, Drug Addiction, and Alcoholism
Part I. General and Administrative Provisions

HRS §§

§ 334-1. Definitions

As used in this chapter unless otherwise indicated by the context:

“**Administrator**” means the person in charge of a public or private hospital.

“**Admission procedures**” mean the various methods for admission of mentally ill persons or of persons habituated to the excessive use of drugs or alcohol to public and private psychiatric facilities.

“**Authorized absence**” means absence of a patient from a psychiatric facility for any period of time with permission.

“**Community mental health center**” means one or more facilities which alone or in conjunction with other facilities, public or private, are part of a coordinated program providing a variety of mental health services principally for persons residing in a community or communities in or near which the center is located.

“**Conservator**” shall have the meaning provided in section 560:5-102.

“**Court**” means any duly constituted court and includes proceedings, hearings of per diem judges as authorized by law.

“**Dangerous to others**” means likely to do substantial physical or emotional injury on another, as evidenced by a recent act, attempt or threat.

“**Dangerous to property**” means inflicting, attempting or threatening imminently to inflict damage to any property in a manner which constitutes a crime, as evidenced by a recent act, attempt or threat.

“**Dangerous to self**” means the person recently has :

- (1) Threatened or attempted suicide or serious bodily harm; or
- (2) Behaved in such a manner as to indicate that the person is unable, without supervision and the assistance of others, to satisfy the need for nourishment, essential medical care, **including treatment for a mental illness** shelter or self-protection, so that it is probable that death, substantial bodily injury, or serious physical debilitation or disease will result unless adequate treatment is afforded.

“**Department**” means the department of health.

“**Director**” means the director of health.

“**Discharge**” means the formal termination on the records of a psychiatric facility of a patient's period of treatment at the facility.

“**Guardian**” shall have the meaning provided in section 560:5-102.

“**Health care operations**” means the services and activities conducted by an institution, facility, or agency licensed, certified, or otherwise authorized or permitted by law to provide medical or health services in the ordinary course of business, including case management and care coordination, quality assessment and improvement activities, medical reviews, and administrative activities.

§ 334-1. Definitions (cont'd)

“Health care provider” means an individual or entity licensed, certified, or otherwise authorized or permitted by law to provide medical or health services in the ordinary course of business or practice of a profession.

“Homeless individual” means an individual who is homeless as defined under section 346-361 and who has a serious and persistent mental illness or is otherwise eligible for treatment.

“Imminently dangerous to self or others” means that, without intervention, the person will likely become dangerous to self or dangerous to others within the next forty-five days.

“Incapacitated person” shall have the meaning provided in section 560:5-102.

“Interested person” means an interested, responsible adult, including but not limited to a public official, the legal guardian, spouse, parent, legal counsel, adult child, or next of kin of a person allegedly mentally ill, mentally deficient or suffering from substance abuse or as otherwise provided in article I of chapter 560.

“Intoxicated person” means a person who is deprived of reasonable self-control because of intake of alcohol or because of any substance which includes in its composition volatile organic solvents.

“Judge” means any judge of the family court or per diem judge appointed by the chief justice as provided in section 604-2.

“Law enforcement officer” has the same meaning as in section 710-1000.

“Licensed physician” means a physician or surgeon licensed by the State to practice medicine, including a physician and surgeon granted a limited and temporary license under section 453-3(1), (2), and (5) or a resident physician and surgeon granted a limited and temporary license under paragraph (4) thereof, or a medical officer of the United States while in this State in the performance of the medical officer's official duties.

“Mental health” means a state of social, psychological, and physical well-being, with capacity to function effectively in a variety of social roles.

“Mentally ill person” means a person having psychiatric disorder or other disease which substantially impairs the person's mental health and necessitates treatment or supervision.

“Patient” means a person under observation, care, or treatment at a psychiatric facility.

“Person suffering from substance abuse” means a person who uses narcotic, stimulant, depressant, or hallucinogenic drugs or alcohol to an extent which interferes with the person's personal, social, family, or economic life.

“Protected person” shall have the meaning provided in section 560:5-102.

“Psychiatric facility” means a public or private hospital or part thereof which provides inpatient or outpatient care, custody, diagnosis, treatment or rehabilitation services for mentally ill persons or for persons habituated to the excessive use of drugs or alcohol or for intoxicated persons.

“Special treatment facility” means a public or private facility which provides a therapeutic residential program for care, diagnosis, treatment or rehabilitation services for emotionally distressed persons, mentally ill persons or persons suffering from substance abuse.

§ 334-1. Definitions (cont'd)

“Therapeutic living program” means a supervised living arrangement that provides mental health or substance abuse services for individuals or families who do not need the structure of a special treatment facility and are transitioning from a more restrictive treatment setting to independent living. The program aids residents in meeting basic needs and provides supportive services through a required service plan.

“Treatment” means the broad range of emergency, out-patient, intermediate, domiciliary, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation, career counseling, and other special services which may be extended to handicapped persons.

“Treatment summary” means a record of information including present history and physical examination, mental status examination, emergency department record, intake evaluation, eligibility determination, current medication list and prescription history, treatment plan, consultant reports, diagnosis and problem lists, recent laboratory and diagnostic testing, clinical or discharge summaries, and discharge instructions, or any combination of such information.

“Unauthorized absence” means absence of a patient from a psychiatric facility for any period of time without permission.

Laws 1967, ch. 259, § 1; H.R.S. § 334-1; Laws 1968, ch. 6, § 2; Laws 1969, ch. 153, § 1; Laws 1973, ch. 93, § 2; Laws 1976, ch. 130, § 1(1), (2); Laws 1977, ch. 76, § 1; Laws 1979, ch. 228, § 2; Laws 1984, ch. 90, § 1; Laws 1984, ch. 94, § 1; Laws 1985, ch. 75, § 1; Laws 1986, ch. 335, § 1; Laws 1986, ch. 339, § 43; Laws 1997, ch. 220, § 1; Laws 2004, ch. 161, § 7; Laws 2008, ch. 98, § 1, eff. May 23, 2008; Laws 2013, ch. 221, § 3, eff. Jan. 1, 2014; Laws 2013, ch. 232, § 1, eff. June 27, 2013; Laws 2016, ch. 114, § 1, eff. July 1, 2016; Laws 2016, ch. 186, § 2, eff. July 1, 2016.

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Part VIII. Assisted Community Treatment

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§ 334-121. Criteria for assisted community treatment.

A person may be ordered to obtain assisted community treatment if the family court finds, based on the professional opinion of a psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization, that:

- (1) The person is mentally ill or suffering from substance abuse;
- (2) The person is unlikely to live safely in the community without available supervision [based on the professional opinion of a psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization;] , is now in need of treatment in order to prevent a relapse or deterioration that would predictably result in the person becoming imminently dangerous to self or others, and the person's current mental status or the nature of the person's disorder limits or negates the person's ability to make an informed decision to voluntarily seek or comply with recommended treatment;

~~[(3) The person, at some time in the past: (A) has received inpatient hospital treatment for mental illness or substance abuse or (B) has been found to be imminently dangerous to self or others, as a result of mental illness or substance abuse;~~

~~(4) The person, based on the person's treatment history and current condition, is now in need of treatment in order to prevent a relapse or deterioration which would predictably result in the person becoming imminently dangerous to self or others;~~

~~(5) The person has a history of a lack of adherence to treatment for mental illness or substance abuse, and the person's current mental status or the nature of the person's disorder limits or negates the person's ability to make an informed decision to voluntarily seek or comply with recommended treatment;~~

~~(6) The assisted community treatment is medically appropriate, and in the person's medical interests, and~~

~~(7) Considering less intrusive alternatives, assisted community treatment is essential to prevent the danger posed by the person.]~~

(3) The person has a:

(A) Mental illness that has caused that person to refuse needed and appropriate mental health services in the community; or

(B) History of lack of adherence to treatment for mental illness or substance abuse that resulted in the person becoming dangerous to self or others and that now would predictably result in the person becoming imminently dangerous to self or others; and

(4) Considering less intrusive alternatives, assisted community treatment is essential to prevent the danger posed by the person[.] , is medically appropriate, and is in the person's medical interests.”

§ 334-122. Definitions.

For the purposes of this part:

“Advanced practice registered nurse” means a registered nurse licensed to practice in this State who:

- (1) Has met the qualifications set forth in chapter 457 and this part;
- (2) Because of advanced education and specialized clinical training, is authorized to assess, screen, diagnose, order, utilize, or perform medical, therapeutic, preventive, or corrective measures;
- (3) Holds an accredited national certification in an advanced practice registered nurse psychiatric specialization; and
- (4) Holds prescriptive authority pursuant to section 457-8.6.

“Assisted community treatment” includes medication specifically authorized by court order; individual or group therapy; day or partial day programming activities; services and training, including educational and vocational activities; supervision of living arrangements; and any other services prescribed to either alleviate the person's disorder or disability, maintain or maximize semi-independent functioning, or prevent further deterioration that may reasonably be predicted to result in the need for hospitalization or more intensive or restrictive levels of care in the community or incarceration for criminal behavior.

“Designated mental health program” includes a state-operated or private provider who is authorized to provide mental health services, including but not limited to inpatient treatment, outpatient treatment, case management, day treatment, or crisis services.

“Interested party” means a parent, grandparent, spouse, sibling, adult child, reciprocal beneficiary, service provider, case manager, outreach worker, or mental health professional.

“Subject of the order” means a person who has been ordered by the court to obtain assisted community treatment.

“Subject of the petition” means the person who, under a petition filed under section 334-123, is alleged to meet the criteria for assisted community treatment.

“Treating psychiatrist” means the psychiatrist who is responsible for the management and supervision of a person's treatment under order of the court.

Laws 1984, ch. 251, § 1; Laws 2013, ch. 221, § 8, eff. Jan. 1, 2014; Laws 2017, ch. 88, § 3, eff. July 5, 2017.

§ 334-123. Initiation of proceeding for assisted community treatment [ACT].

(a) Any interested party may file a petition with the family court alleging that another person meets the criteria for assisted community treatment. The petition shall state:

- (1) Each of the criteria under section [334-121(1) through (7)] 334-121 for assisted community treatment;
- (2) Petitioner's good faith belief that the subject of the petition meets each of the criteria under section [334-121(1) through (7)] 334-121 ;
- (3) Facts that support the petitioner's good faith belief that the subject of the petition meets each of the criteria under section [334-121(1) through (7)] 334-121 ; and
- (4) That the subject of the petition is present within the county where the petition is filed.

§ 334-123. Initiation of proceeding for ACT (cont'd)

The hearing on the petition need not be limited to the facts stated in the petition. The petition shall be executed subject to the penalties of perjury[.] but need not be sworn to before a notary public.

- (b) The petition may be accompanied by a certificate of a licensed psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization who has examined the subject of the petition within twenty calendar days prior to the filing of the petition. For purposes of the petition, an examination shall be considered valid so long as the licensed psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization has obtained enough information from the subject of the petition to reach a diagnosis of the subject of the petition, and to express a professional opinion concerning the same, even if the subject of the petition is not fully cooperative. If the petitioner believes that further evaluation is necessary before treatment, the petitioner may request further evaluation.
- (c) The petition shall include the name, address, and telephone number of at least one of the following persons in the following order of priority: the subject of the petition's spouse or reciprocal beneficiary, legal parents, adult children, and legal guardian, if one has been appointed. If the subject of the petition has no living spouse or reciprocal beneficiary, legal parent, adult children, or legal guardian, or if none can be found, the petition shall include the name, address, and telephone number of at least one of the subject's closest adult relatives, if any can be found.

Laws 1984, ch. 251, § 1; Laws 1986, ch. 339, § 44; Laws 2013, ch. 221, § 9, eff. Jan. 1, 2014; Laws 2015, ch. 231, § 1, eff. July 13, 2015; Laws 2017, ch. 88, § 4, eff. July 5, 2017; Laws 2018, ch. 144, § 9, eff. July 1, 2018.

§ 334-124. Hearing date.

The family court shall set a hearing date on a petition as soon as possible.

Laws 1984, ch. 251, § 1; Laws 2013, ch. 221, § 10, eff. Jan. 1, 2014; Laws 2015, ch. 231, § 2, eff. July 13, 2015.

§ 334-125. Notice.

(a) Notice of the hearing shall be:

- (1) Served personally on the subject of the petition pursuant to family court rules;
- (2) Served personally or by certified or registered mail, return receipt requested, deliverable to the addressee only, to as many as are known to the petitioner of the subject's spouse or reciprocal beneficiary, legal parents, adult children, and legal guardian, if one has been appointed. If the subject of the petition has no living spouse or reciprocal beneficiary, legal parent, adult children, or legal guardian, or if none can be found, notice of the hearing shall be served on at least one of the subject's closest adult relatives, if any can be found;
- (3) Served on the public defender, attorney for the subject of the petition, or other court-appointed attorney as applicable; and
- (4) Given to other persons as the court may designate.

§ 334-125. Notice. (cont'd)

- (b) The notice shall include the following:
- (1) The date, time, place of hearing, a clear statement of the purpose of the proceedings and possible consequences to the subject, and a statement of the legal standard upon which assisted community treatment is being considered;
 - (2) A copy of the petition;
 - (3) Notice that the subject of the petition is entitled to the assistance of an attorney, and that the public defender has been notified of these proceedings; and
 - (4) Notice that if the subject does not want to be represented by the public defender, the subject may contact the subject's own attorney.
- (c) Notice of all subsequent hearings shall be served in accordance with subsections (a) and (b), and in accordance with all applicable family court rules relating to service of notice, including that service need not be made on parties in default for failure to appear.

Laws 1984, ch. 251, § 1; Laws 1997, ch. 383, § 48; Laws 2013, ch. 221, § 11, eff. Jan. 1, 2014; Laws 2015, ch. 231, § 3, eff. July 13, 2015; Laws 2018, ch. 144, § 10, eff. July 1, 2018.

§ 334-126. Hearing on petition.

- (a) The court shall adjourn or continue a hearing for failure to timely notify a person entitled to be notified unless the court determines that the interests of justice require that the hearing continue without adjournment or continuance.
- (b) The time and form of the procedure incident to hearing the issues in the petition shall be provided by family court rule and consistent with this part.
- (c) Hearings may be held at any convenient place within the circuit. The subject of the petition, any interested party, or the family court upon its own motion may request a hearing in another court because of inconvenience to the parties, witnesses, or the family court or because of the subject's physical or mental condition.
- (d) The hearing shall be closed to the public, unless the subject of the petition requests otherwise. Individuals entitled to notice are entitled to be present in the courtroom for the hearing and to receive a copy of the hearing transcript or recording, unless the court determines that the interests of justice require otherwise.
- (e) The subject of the petition shall be present at the hearing. However, if the subject has been served with the petition and does not appear at the hearing, the court may appoint a guardian ad litem to represent the best interests of the subject through the proceedings.
- (f) Notwithstanding chapter 802 to the contrary, the public defender or other court-appointed counsel shall represent the subject upon filing of the petition. A copy of the petition shall be served upon the public defender by the petitioner. The public defender or the court-appointed counsel may withdraw upon a showing that the subject is not indigent. If the subject does not desire representation, the court may discharge the attorney after finding that the subject understands the proceedings and the relief prayed for in the petition. Nothing in this subsection shall be construed to:
- (1) Require the subject of the petition to accept legal representation by the public defender or

§ 334-126. Hearing on petition (cont'd)

other court-appointed counsel; or

- (2) Prevent the subject of the petition from obtaining their own legal counsel to represent them in any proceeding.
- (g) If the subject of the petition is represented by an attorney, the attorney shall be allowed adequate time for investigation of the matters at issue and for preparation, and shall be permitted to present the evidence that the attorney believes necessary for a proper disposition of the proceeding.
- (h) No subject of the petition shall be ordered to receive assisted community treatment unless at least one psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization testifies in person at the hearing who has personally assessed the subject, within a reasonable time before the filing of the petition up to the time when the psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization provides oral testimony at court. The testimony of the psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization shall state the facts which support the allegation that the subject meets all the criteria for assisted community treatment, provide a written treatment plan, which shall include non-mental health treatment if appropriate, provide the rationale for the recommended treatment, and identify the designated mental health program responsible for the coordination of care.

If the recommended assisted community treatment includes medication, the testimony of the psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization shall describe the types or classes of medication which should be authorized, and describe the physical and mental beneficial and detrimental effects of such medication.

- (i) The subject of the petition may secure a psychiatric examination and present the findings as evidence at the hearing. The subject shall be entitled to a psychiatric examination at a community mental health center if the subject so desires, and if an examination has not already been conducted at a community mental health center which will lead to psychiatric testimony at the hearing.

Laws 1984, ch. 251, § 1; Laws 2013, ch. 221, § 12, eff. Jan. 1, 2014; Laws 2015, ch. 231, § 4, eff. July 13, 2015; Laws 2017, ch. 88, § 5, eff. July 5, 2017; Laws 2018, ch. 144, § 11, eff. July 1, 2018.

§ 334-127. Disposition

- (a) If after hearing all relevant evidence, including the results of any diagnostic examination ordered by the family court, the family court finds that the subject of the petition does not meet the criteria for assisted community treatment, the family court shall dismiss the petition. Notice of the dismissal shall be provided to those persons entitled to notice pursuant to section 334-125.
- (b) If after hearing all relevant evidence, including the results of any diagnostic examination ordered by the family court, the family court finds that the criteria for assisted community treatment under section 334-121(1) have been met beyond a reasonable doubt and that the criteria under section 334-

§ 334-127. Disposition (cont'd)

121(2) to [334-121(7)] 334-121(4) have been met by clear and convincing evidence, the family court shall order the subject to obtain assisted community treatment for a period of no more than one year. The written treatment plan submitted pursuant to section 334-126(h) shall be attached to the order and made a part of the order.

If the family court finds by clear and convincing evidence that the beneficial mental and physical effects of recommended medication outweigh the detrimental mental and physical effects, if any, the order may authorize types or classes of medication to be included in treatment at the discretion of the treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization.

The court order shall also state who should receive notice of intent to discharge early in the event that the treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization determines, prior to the end of the court ordered period of treatment, that the subject should be discharged early from assisted community treatment.

Notice of the order shall be provided to those persons entitled to notice pursuant to section 334-125.

- (c) The family court shall also designate on the order the treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization who is to be responsible for the management and supervision of the subject's treatment, or shall assign an administrator of a designated mental health program to, in turn, designate the treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization during the treatment period without court approval, and may designate either a publicly employed psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization, or a private psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization; provided that the private psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization shall agree to the designation. The order for assisted community treatment shall be subject to the Health Care Privacy Harmonization Act, chapter 323B.
- (d) Nothing in this section shall preclude the subject's stipulation to the continuance [of] an existing court order.

Laws 1984, ch. 251, § 1; Laws 2013, ch. 221, § 13, eff. Jan. 1, 2014; Laws 2016, ch. 114, 3, eff. July 1, 2016; Laws 2017, ch. 88, § 6, eff. July 5, 2017; Laws 2018, ch. 144, § 12, eff. July 1, 2018.

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§ 334-128. Treatment costs and fees.

Private treatment pursuant to the court order shall be at the expense of the subject of the petition, except to the extent such charges are covered by other laws or programs. Treatment through a designated mental health program shall be pursuant to its fee schedules; however, the subject of the order shall not be denied treatment by a designated mental health program for failure to pay the fees.

Laws 1984, ch. 251, § 1; Laws 2013, ch. 221, § 14, eff. Jan. 1, 2014.

§ 334-129. Failure to comply with assisted community treatment.

- (a) A treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization may prescribe or administer to the subject of the order reasonable and appropriate medication or medications, if specifically authorized by the court order, and treatment that is consistent with accepted medical standards and the family court order, including the written treatment plan submitted pursuant to section 334-126(h).
- (b) No subject of the order shall be physically forced to take medication under a family court order for assisted community treatment unless the subject is within an emergency department or admitted to a hospital, subsequent to the date of the current assisted community treatment order.
- (c) A subject may be transported to a designated mental health program, or a hospital emergency department, for failure to comply with an order for assisted community treatment via the following methods:
 - (1) By an interested party with the consent of the subject of the order; or
 - (2) In accordance with section 334-59.
- (d) The designated mental health program's treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization or designee of the psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization shall make all reasonable efforts to solicit the subject's compliance with the prescribed treatment. If the subject fails or refuses to comply after the efforts to solicit compliance, the treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization shall assess whether the subject of the order meets criteria for admission to a psychiatric facility under part IV of this chapter, and proceed with the admission pursuant to section 334-59(a)(2) or (3); provided that the refusal of treatment shall not, by itself, constitute a basis for involuntary hospitalization.
- (e) Notice of any transport or admission under this section shall be provided pursuant to section 334-59.5.

Laws 1984, ch. 251, § 1; Laws 2013, ch. 221, § 15, eff. Jan. 1, 2014; Laws 2016, ch. 114, § 4, eff. July 1, 2016; Laws 2017, ch. 88, § 7, eff. July 5, 2017; Laws 2018, ch. 144, § 13, eff. July 1, 2018.

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§ 334-130. Period of assisted community treatment.

- (a) The assisted community treatment order shall continue to apply to the subject, for the duration specified in the order, regardless of whether the treatment setting changes.
- (b) A subject of assisted community treatment is automatically and fully discharged at the end of the family court ordered period of treatment, a period of not more than one year, unless a new family court order has been obtained as provided hereinbelow.
- (c) Nothing in this section shall preclude the subject's stipulation to the continuance [of] an existing court order.

Laws 1984, ch. 251, § 1; Laws 2013, ch. 221, § 16, eff. Jan. 1, 2014, Laws 2016, ch. 114, §5, eff. July 1, 2016.

§ 334-131. Notice of intent to discharge.

- (a) When the treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization contemplates discharge for a subject of the order because of expiration of the court order or because the subject of the order is no longer a proper subject for assisted community treatment, as determined by the criteria in section 334-121, the treating psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization shall provide notice of intent to discharge.
- (b) The notice shall be filed with the family court which issued the order for assisted community treatment, and served by personal service or by certified mail on those persons whom the order for assisted community treatment specifies as entitled to receive notice.
- (c) The notice of intent to discharge shall be mailed at least ten days prior to the intended date of discharge.
- (d) If no objection is filed under section 334-132 prior to the intended date of discharge, the subject of the order is thereupon fully discharged from assisted community treatment.

Laws 1984, ch. 251, § 1; Laws 2013, ch. 221, § 17, eff. Jan. 1, 2014; Laws 2017, ch. 88, § 8, eff. July 5, 2017.

§ 334-132. Objection to discharge.

- (a) If any person specified as entitled to receive notice files a written objection with the family court on the grounds that the subject of the order is a proper subject for assisted community treatment, the family court shall conduct a hearing to determine if the subject of the order still meets the criteria for assisted community treatment in section 334-121. The hearing shall be conducted as provided under section 334-134.
- (b) If the family court finds that the subject of the order continues to meet the criteria for assisted community treatment in section 334-121, the family court shall order the subject to continue the treatment for the unexpired period of its earlier order.
- (c) If the family court finds that the subject of the order does not meet the criteria for assisted community treatment in section 334-121, the court shall dismiss the objection and order the early discharge of the subject.

Laws 1984, ch. 251, § 1; Laws 2013, ch. 221, § 20, eff. Jan. 1, 2014.

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§ 334-133. Petition for additional period [of] treatment; hearing

- (a) Prior to the expiration of the period of assisted community treatment ordered by the family court, any interested party may file a petition with the family court for an order of continued assisted community treatment. The petition shall be filed and notice provided in the same manner as under sections 334-123 and 334-125.
- (b) The family court shall hold a hearing on the petition and make its decision in the same manner as provided under sections 334-123 to 334-127. The family court may order the continued assisted community treatment for not more than one year after the date of the hearing pursuant to this section if the court finds that the criteria for assisted community treatment continue to exist and are likely to continue beyond one hundred eighty days.
- (c) Nothing in this section shall preclude the subject's stipulation to the continuance [of] an existing court order. This section shall be in addition to the provisions on the objection to discharge.

Laws 1984, ch. 251, § 1; Laws 2013, ch. 221, § 19, eff. Jan. 1, 2014.

§ 334-134. Hearing for discharge.

Any person may petition the family court for the discharge of an order of assisted community treatment during the period of assisted community treatment after sixty days from the most recent hearing involving the subject of the order. The petition shall be filed, notice given, hearing held, and order made in the same manner as provided for the original petition alleging that the subject of the order met the criteria for assisted community treatment.

Laws 1984, ch. 251, § 1; Laws 2013, ch. 221, § 20, eff. Jan. 1, 2014.

“§334- Examination for assisted community treatment indication. A licensed psychiatrist or advanced practice registered nurse with prescriptive authority and who holds an accredited national certification in an advanced practice registered nurse psychiatric specialization associated with the licensed psychiatric facility where a person is located who was committed to involuntary hospitalization, delivered for emergency examination or emergency hospitalization, or voluntarily admitted to inpatient treatment at a psychiatric facility pursuant to part IV shall, prior to the person's discharge, examine the person to determine whether an assisted community treatment plan is indicated pursuant to this part. If a plan is indicated, the psychiatrist or advanced practice registered nurse shall prepare the certificate specified by section 334-123. The psychiatric facility may notify another mental health program for assistance with the coordination of care in the community for the person. Nothing in this section shall delay the appropriate discharge of a person from the psychiatric facility after the examination for assisted community treatment indication has been completed. ”