

IN THE FAMILY COURT OF THE THIRD CIRCUIT  
STATE OF HAWAII

IN THE MATTER OF \_\_\_\_\_ ) FC-M No. \_\_\_\_\_  
)  
) ORDER [ ] GRANTING [ ] DISMISSING  
) PETITION FOR ASSISTED COMMUNITY  
) TREATMENT;  
) [ ] TREATMENT PLAN  
Respondent. )  
Birthdate: \_\_\_\_\_ )  
[ ] Male [ ] Female [ ] Other )  
) Presiding Judge: \_\_\_\_\_  
[ ] a Minor. )  
\_\_\_\_\_ ) Hearing Date: \_\_\_\_\_

ORDER [ ] GRANTING [ ] DISMISSING  
PETITION FOR ASSISTED COMMUNITY TREATMENT FOR APPOINTMENT

Present at the hearing were:

- [ ] \_\_\_\_\_, Petitioner
- [ ] \_\_\_\_\_, Respondent
- [ ] \_\_\_\_\_, \_\_\_\_\_
- [ ] \_\_\_\_\_, \_\_\_\_\_
- [ ] \_\_\_\_\_, \_\_\_\_\_
- [ ] \_\_\_\_\_, \_\_\_\_\_
- [ ] \_\_\_\_\_, \_\_\_\_\_

The above-entitled matter, having come for hearing on the date above, and upon consideration of the Petition for Assisted Community Treatment (Petition), filed herein on the date above, the testimony/testimonies, exhibit(s), and other evidence adduced, the Court finds as follows:

1. That this Court has does not have jurisdiction over this matter pursuant to HRS Chapter 334.
2. The Petitioner is an "interested party" as defined in section (§)334-122 of the Hawai'i Revised Statutes (HRS).  
not an "interested party" as defined in HRS §334-122.
3. The Respondent of these proceedings is a minor an adult.

\_\_\_\_. The Respondent was duly served with the Petition, but failed to appear after three calls were made for him/her.  
not served with the Petition.

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

were duly served with the Petition and did not appear. Three calls were made for the above-named interested parties without response.

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

were not served with the Petition.

The hearing on the Petition is continued to the following date/time to allow more time for service: \_\_\_\_\_.

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

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

\_\_\_\_\_  
(Name and Relationship to Respondent (example: parent, guardian, spouse, child of, etc.)

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

not present in the Third Circuit, State of Hawai'i.

\_\_\_\_. The Petition and Notice of this hearing was:

- a.  served  not served personally on the Respondent pursuant to the Hawai'i Family Court Rules. HRS §334-125(a)(1).
- b.  served  not served personally or by certified or registered mail, return receipt requested, deliverable to the addressee only, to as many as are known to Petitioner of Respondent's spouse, reciprocal beneficiary, legal parent(s), adult child(ren), and legal guardian, if one has been appointed, and the return receipt(s) and proof of service has/have been filed. HRS §334-125(a)(2).
- c.  served  not served on at least one of Respondent's closest adult relatives as the Respondent has no living spouse, reciprocal beneficiary, legal parent(s), adult child(ren), and legal guardian, if one was appointed and the return receipt(s) and proof of service has/have been filed. HRS §334-125(a)(2).
- d.  served  not served on the Respondent's existing guardian. HRS §334-125(a)(3) as amended by Act 58 of the 2021 Legislative Session.
- e.  served  not served on the Guardian ad Litem appointed for Respondent. HRS §334-125(a)(3) as amended by Act 58 of the 2021 Legislative Session.
- f.  served  not served on Respondent's attorney. HRS §334-125(a)(4) as amended by Act 58 of the 2021 Legislative Session.
- g.  served  not served on \_\_\_\_\_  
\_\_\_\_\_ as designated by the court. HRS §334-125(a)(5)  
as amended by Act 58 of the 2021 Legislative Session.

\_\_\_\_. Pursuant to HRS §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 the possible consequences to the Respondent, and a statement of the legal standard upon which assisted community treatment is being considered; HRS §334-125(b)(1).
- b. a copy of the Petition; HRS §334-125(b)(2).
- c. the determination by court that Respondent does not have a guardian, and therefore, notice that the Respondent has been assigned a Guardian ad Litem to represent Respondent's best interests throughout the proceeding. HRS §334-125(b)(3) as amended by Act 58 of the 2021 Legislative Session.
- d. notice that Respondent is entitled to the assistance of an attorney, and that Respondent may contact his/her own attorney. HRS §334-125(b)(4) as amended by Act 58 of the 2021 Legislative Session.

\_\_\_\_. Respondent was examined by \_\_\_\_\_, a licensed  psychiatrist  advanced practice registered nurse (APRN) with prescriptive authority and an accredited national certification in an APRN psychiatric specialization on (date) \_\_\_\_\_, which  is  is not within twenty (20) calendar days prior to the filing of the Petition.

\_\_\_\_. The time period from the date above when the Respondent was assessed by the examiner, before the filing of the Petition, to the date when the same examiner testified was reasonable. HRS §334-126(h).

\_\_\_\_. The examining  psychiatrist  advanced practice registered nurse with prescriptive authority and an accredited national certification in an APRN psychiatric specialization who testified:

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

The Court further finds and concludes:

\_\_\_\_. That the Petitioner  has  has not made reasonable efforts to serve personally, or pursuant to HRS §334-125(a)(2), to serve by certified or registered mail, return receipt requested, deliverable to the addressee only, as many as are known to the Petitioner of the Respondent's spouse or reciprocal beneficiary, legal parents, adult children, and legal guardian, if one has been appointed.

\_\_\_\_. That, upon finding that Respondent has no living spouse or reciprocal beneficiary, legal parent, adult children, or legal guardian, Petitioner  has  has not made reasonable efforts to serve at least one of Respondent's closed adult relative. HRS §334-125(a)(2).

- \_\_\_ . That the Petitioner  has  has not made reasonable efforts to find a close relative of Respondent. HRS §334-125(a)(2).
- \_\_\_ . That the Respondent is [ ] mentally ill [ ] suffering from substance abuse:  
 was proven beyond a reasonable doubt pursuant to HRS §334-127(b); **and**  
 was not proven beyond a reasonable doubt pursuant to HRS §334-127(b).
- \_\_\_ . That the Respondent is unlikely to live safely in the community without available supervision, 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 Respondent's self or others, and the Respondent's current mental status or the nature of the Respondent's disorder limits or negates Respondent's ability to make an informed decision to voluntarily seek or comply with recommended treatment:  
 was proven beyond a reasonable doubt pursuant to HRS §334-127(b); **and**  
 was not proven beyond a reasonable doubt pursuant to HRS §334-127(b).
- \_\_\_ . That the Respondent has [ ] a mental illness that has caused Respondent to refuse needed and appropriate mental health services in the community **or**  
[ ] a history of lack of adhering to treatment for mental illness or substance abuse that resulted in Respondent becoming dangerous to Respondent's self or others and that now would predictably result in Respondent becoming imminently dangerous to Respondent's self or others:  
 was proven beyond a reasonable doubt pursuant to HRS §334-127(b); **and**  
 was not proven beyond a reasonable doubt pursuant to HRS §334-127(b).
- \_\_\_ . That considering less intrusive alternatives, assisted community treatment is essential to prevent the danger posed by the Respondent, is medically appropriate, and is in the Respondent's medical interests:  
 was proven beyond a reasonable doubt pursuant to HRS §334-127(b); **and**  
 was not proven beyond a reasonable doubt pursuant to HRS §334-127(b).
- \_\_\_ . That the beneficial mental and physical effects of the recommended medication outweigh the detrimental mental and physical effects, if any, such that certain types or classes of medication should be authorized to be included in treatment at the discretion of the treating psychiatric or advanced practice registered nurse with prescriptive authority and an accredited national certification in APRN psychiatric specialization during the treatment period:  
 was proven beyond a reasonable doubt pursuant to HRS §334-127(b); **and**  
 was not proven beyond a reasonable doubt pursuant to HRS §334-127(b).

\_\_\_\_. The Respondent understands the proceedings and the relief requested in the Petition.

---

---

---

---

---

---

---

---

THEREFORE, taking judicial notice of the records and file herein, the relevant evidence, including any court-ordered diagnostic examination, testimony of witness(es), including the treating psychiatrist or advanced practice registered nurse with prescriptive authority and an accredited national certification in an APRN psychiatric specialization, and the 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.

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

1. The Respondent shall obtain assisted community treatment for a period of not more than one (1) year.
2. The Treatment Plan submitted with the Petition **shall be attached to and made part of this Order.**
  - a. The types and classes of medication set forth in the Treatment Plan shall be authorized at the discretion of the treating psychiatrist or advanced practice registered nurse with prescriptive authority and an accredited national certification in an APRN psychiatric specialization.

Pursuant to HRS §334-129(a), the treating psychiatrist or advanced practice registered nurse with prescriptive authority and an accredited national certification in an APRN psychiatric specialization may prescribe or administer to the Respondent reasonable and appropriate medication(s) as specifically

authorized by this Order, and treatment that is consistent with accepted medical standards and this Order, including the written Treatment Plan submitted pursuant to HRS §334-12(h).

The Respondent shall not be physically forced to take medication(s) under this Order for Assisted Community Treatment, unless the Respondent is within an emergency department or admitted to a hospital, subsequent to the date of the current assisted community treatment order.

3.  a. The following treating psychiatrist or advance practice registered nurse with prescriptive authority and an accredited national certification in an APRN psychiatric specialization to be responsible for the management and supervision of Respondent's treatment:

Name: \_\_\_\_\_

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

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

- b. The following administrator of the 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: \_\_\_\_\_

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

Said administrator may, in turn, designate the treating psychiatrist or advanced practice nurse with prescriptive authority and an accredited national certification in an APRN psychiatric specialization during the treatment period without court approval.

4. Pursuant to HRS §334-128, private treatment ordered by this court 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 schedules; 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 advanced practice registered nurse with prescriptive authority an accredited national certification in an APRN psychiatric specialization or their 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 or advanced practice registered nurse with prescriptive authority and an accredited national certification in an APRN psychiatric specialization shall notify the court and may submit a petition for involuntary hospitalization of the Respondent.

- 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 §334-121, the treating psychiatrist or advanced practice nurse with prescriptive authority and an accredited national certification in an APRN psychiatric specialization shall file a Notice of Intent to Discharge pursuant to HRS §334-131.
- 7. Filed copies of the Notice of Intent to Discharge shall be served by personal service on or by certified mail to the person listed below pursuant to HRS §3334-131(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 §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 persons:

---

---

---

---

---

---

---

---

- 8. Pursuant to HRS §134-130(b), the Respondent is automatically discharged from this court-ordered assisted community treatment on:
  - \_\_\_\_\_, which is a year from the filing date of this Order.
  - \_\_\_\_\_.

9. This Order shall be subject to the Health Care Privacy Harmonization Act, codified as HRS Chapter 323B.

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



11.  \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Print name: \_\_\_\_\_  
JUDGE OF THE ABOVE-ENTITLED COURT

- c:  Petitioner(s) \_\_\_\_\_
- Attorney for Petitioner(s) \_\_\_\_\_
- Respondent \_\_\_\_\_
- Guardian \_\_\_\_\_
- Guardian ad Litem \_\_\_\_\_
- Attorney for Respondent \_\_\_\_\_
- Treating Psychiatrist \_\_\_\_\_
- Treating APRN \_\_\_\_\_
- Designated Mental Health Program \_\_\_\_\_



If you need an accommodation for a disability when participating in a court program, service, or activity, please contact the ADA Coordinator as far in advance as possible to allow time to provide an accommodation. Call the ADA Coordinator at (808) 961-7629, FAX (808) 961-7577 or send an e-mail to [adarequest@courts.hawaii.gov](mailto:adarequest@courts.hawaii.gov). The ADA Coordinator will try to provide, but cannot guarantee, the requested auxiliary aid, service, or accommodation.