
 Name (Attorney No.)

 Address

 City, State, Zip Code

 Telephone No.
 Petitioner Pro Se Attorney for Petitioner

**IN THE FAMILY COURT OF THE SECOND CIRCUIT
 STATE OF HAWAII**

In the Matter of _____) FC-____ NO. _____
)
) ORDER Granting Dismissing
) Petition for Assisted Community Treatment;
) Treatment Plan
)
) Respondent.)
)
) Petition filed on: _____
 Birthdate: _____ Male Female) Presiding Judge: _____
 A Minor) Hearing Date: _____
 _____)

**ORDER Granting Dismissing Petition for Assisted
 Community Treatment; Treatment Plan**

Present at the hearing:

- _____, Petitioner
- _____, Attorney for Petitioner Deputy Attorney General
- _____, Respondent
- _____, Attorney for Respondent Deputy Public Defender
- _____, _____
- _____, _____
- _____, _____
- _____, _____
- _____, _____

Signature(s) on last page

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 adduce, the Court finds as follows:

1. The Petitioner is:

an "interested party" as defined in §334-122, Hawai'i Revised Statutes (HRS)

not an "interested party" as defined in HRS §334-122

2. The Respondent of these proceedings is:

a Minor an Adult

____. 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. Three (3) 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 Second Circuit, State of Hawai'i and resides with: HRS §334-123(a)(4)

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

(Address)

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

____. The Petition and Notice of this hearing was: HRS §334-125(a)(1-3)

a. served personally on the Respondent pursuant to the Hawai'i Family Court Rules.

- b. 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 the Respondent's spouse or 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.
- c. served on the Office of the Public Defender, counsel or court appointed attorney for Respondent. HRS §445-235(a)(3)

____. 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;
- 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 _____ a
(Name of Examiner)

licensed psychiatrist advance practice registered nurse with prescriptive authority and an accredited national certification in an advanced practice registered nurse (ARNP) psychiatric specialization, on _____, which is is not within twenty (20) calendar days
(date)
 prior to the filing on the Petition. HRS §334-123(b)

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 examiner before filing the Petition, to the date when the same examiner testified was reasonable.

____. The examining psychiatrist advance practice registered nurse with prescriptive authority and an accredited national certification in an advanced practice registered nurse (ARNP) psychiatric specialization who testified:

- a. did did not state facts supporting the assertion that the Respondent meets all the criteria of 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 medication(s).

The Court further finds and concludes:

1. That this Court has 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 §334-135(1)(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 parent(s), adult child(ren) 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 §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 himself/herself or others, and the Respondent's current mental status or the nature of the Respondent's disorder limits or negates his/her ability to make an informed decision to voluntarily seek or comply with recommended treatment:

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

____. That the Respondent has a mental illness that has caused him/her 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 himself/herself or others and that now would predictably result in Respondent becoming imminently dangerous to himself/herself or others:

- was proven by clear and convincing evidence pursuant to HRS §334-127(b); **and**
- was not proven by clear and convincing evidence 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 interest:

- was proven by clear and convincing evidence pursuant to HRS §334-127(b); **and**

was not proven by clear and convincing evidence 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 of medication should be included in treatment 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 during the treatment period:

was proven by clear and convincing evidence pursuant to HRS §334-127(b); **and**

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

____. The Respondent is not indigent and therefore does not qualify for representation by the Office of the Public Defender or a court-appointed counsel.

____. 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 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 (1) year. [HRS §334-127(b)]
2. The Treatment Plan submitted with the Petition **shall be attached to and made part of this Order.**

- a. [] The types or classes of medication set forth in the Treatment Plan shall be authorized at the treating psychiatrist's or advanced practice registered nurse with prescriptive authority and an accredited national certification in an APRN psychiatric specialization.

Pursuant to HRS §334-139(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 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.

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 advanced 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 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 or advanced practice registered 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 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 advanced practice registered nurse with prescriptive authority and 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, as amended, the treating psychiatrist or advanced practice registered 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 persons listed below pursuant to HRS §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 §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):

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

[] _____, which is one (1) 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. a. Upon finding that the Respondent understands the proceeding and the relief requested in the Petition, and as Respondent does not desire representation, the Office of the Public Defender the court-appointed counsel is discharged from representing Respondent pursuant to HRS §334-126(f).

b. As Respondent was duly served with the Petition and failed to appear at this hearing, a Guardian ad Litem shall be appointed to represent the best interests of the Respondent.

11. _____

DATED: Wailuku, Maui, Hawai'i, _____

JUDGE OF THE ABOVE-ENTITLED COURT

Print Judge's Name

c: Petitioner(s)
Attorney for Petitioner(s)
Respondent
Attorney for Respondent
Guardian Ad Litem
Treating Psychiatrist

Treating Advanced Practice
Registered Nurse with
Prescriptive Authority and
an Accredited National
Certification in an APRN
Psychiatric Specialization

Designated Mental Health Program

Others: