

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii
Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 345, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ASSISTED COMMUNITY TREATMENT,"

begs leave to report as follows:

The purpose of this measure is to require the court to appoint, at the time that an Assisted Community Treatment Program petition is filed, a guardian ad litem to represent the best interests of the individual who is subject to the petition throughout the pendency of the judicial proceedings.

Your Committee received testimony in support of this measure from the Department of Health; The Institute for Human Services, Inc.; Hawaii Substance Abuse Coalition; Hope Services Hawaii, Inc.; and one individual. Your Committee received comments on this measure from the Judiciary and Office of the Public Defender.

Your Committee finds that the Assisted Community Treatment Program provides a process for individuals with severe mental illness to receive necessary medical treatment and medication when it is in the individual's best interest. Your Committee further finds that the existing law does not require the appointment of a guardian ad litem to represent the best interests of an individual subject to Assisted Community Treatment Program proceedings.

Your Committee has amended this measure by:

(1) Clarifying that a guardian ad litem appointed to represent a person subject to an Assisted Community Treatment Program petition shall receive the same compensation as any other guardian ad litem appointed by the courts; and

(2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 345, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 345, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on
Judiciary & Hawaiian Affairs,

MARK M. NAKASHIMA, Chair