

Honolulu, Hawaii

, 2021

RE: H.B. No. 345

H.D. 1

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

Your Committee on Health, Human Services, & Homelessness, to which was referred H.B. No. 345 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 Hawaii Substance Abuse Coalition, Ohana Health Plan, Hope Services Hawaii, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General, Department of Health, Office of the Public Defender, Judiciary, and Hawaii Disability Rights Center.

Your Committee finds that requiring the appointment of a guardian ad litem to represent a person who is the subject of an Assisted Community Treatment Program petition will decrease delays in the implementation of Assisted Community Treatment Programs, while ensuring that persons who might be absent or otherwise unable to meaningfully participate in the proceedings have a representative available who will act in that person's best interest.

Your Committee has amended this measure by:

(1) Restoring existing statutory language that requires a public defender or other court-appointed counsel to represent the subject of an Assisted Community Treatment Program petition upon the filing of the petition;

(2) Changing the effective date to July 1, 2060, to encourage further discussion; and

(3) 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 Health, Human Services, & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 345, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 345, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committee on
Health, Human Services, & Homelessness,

RYAN I. YAMANE, Chair