

Hawaii State Report Card

Last Updated: January 1, 2024

Method and scoring: State involuntary civil commitment laws are evaluated using a 100-point grading scale. The scoring criteria are in accordance with the Treatment Advocacy Center’s values and policy preferences. Up to 50 points are awarded to a state based on the quality of its inpatient commitment law, and up to 50 points are awarded based on the state’s assisted outpatient treatment (AOT) law. Final letter grades are computed using the following scale:

97 or above	A+	87–89	B+	77–79	C+	67–69	D+	59 or below	F
93–96	A	83–86	B	73–76	C	63–66	D		
90–92	A-	80–82	B-	70–72	C-	60–62	D-		

PART ONE: Inpatient Commitment Statute (up to 50 points)

Criterion	Citation	Specifications	Points
1. Citizen access to court, emergency evaluation (5 pts)	Haw. Rev. Stat. § 334-59(a)	<input type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input type="checkbox"/> Authorizes any responsible adult (2 pts) Designated professionals, designated medical professionals, and law enforcement officers	0
2. Quality of emergency petition process (5 pts)	Haw. Rev. Stat. § 334-59	<input checked="" type="checkbox"/> Process specified and reasonable (2 pts) <input type="checkbox"/> Timelines specified and reasonable (2 pts) <input checked="" type="checkbox"/> Responsible entities identified (1 pt) <input type="checkbox"/> Requires certification by more than one professional (-2 pts) <input type="checkbox"/> Emergency evaluation criteria inconsistent with inpatient commitment criteria (-5 pts)	3
3. Emergency hold duration (5 pts)	Haw. Rev. Stat. § 334-59(e)	<input checked="" type="checkbox"/> At least 48-hour hold allowed (3 pts) <input type="checkbox"/> At least 72-hour hold allowed (2 pts)	3
4. Citizen access to court, inpatient petition (5 pts)	Haw. Rev. Stat. § 334-60.3(a)	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> Authorizes any responsible adult (2 pts)	5
5. Quality of criteria for harm or violence to self or others (up to 10 pts)	Haw. Rev. Stat. §§ 334-1, 334-60.2(2)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <input type="checkbox"/> Harm must be imminent (-3 pts) (See comments below)	10
6. Quality of criteria for grave disability/basic needs (up to 10 pts)	Haw. Rev. Stat. §§ 334-1, 334-60.2(2)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <input type="checkbox"/> Endangerment must be imminent (-3 pts) <input type="checkbox"/> Criteria require family to turn person out of home to receive treatment (-3 pts) <input type="checkbox"/> Unreasonably high risk of harm (-3 pts) (See comments below)	10
7. Quality of criteria for psychiatric deterioration (up to 10 pts)	Haw. Rev. Stat. §§ 334-1, 334-60.2(2)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) (See comments below)	10
SUBTOTAL			41
PART ONE: Extra Credit			
1. Specifies in which court a petition for inpatient commitment shall be filed (1 pt)			
Extra Credit			0
PART ONE TOTAL			41

PART TWO: Outpatient Commitment Statute (up to 50 points)

Criterion	Citation	Specifications	Points
1. AOT explicitly authorized (5 pts)	Haw. Rev. Stat. § 334-121	<input type="checkbox"/> Requires local government to adopt (-3 pts)	5
2. Citizen access to court for AOT (5 pts)	Haw. Rev. Stat. § 334-123	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> Authorizes any responsible adult (2 pts)	5

		<input type="checkbox"/> Authorizes citizen petition to mental health system only (-2 pts)	
3. Criteria sufficiently broad to provide actual access (up to 10 pts)	Haw. Rev. Stat. § 334-121	<p>Evaluate applicable provision only:</p> <input type="checkbox"/> If inpatient/outpatient criteria are the same: <ul style="list-style-type: none"> <input type="checkbox"/> Inpatient criteria include psychiatric deterioration standard (10 pts) <u>or</u> <input type="checkbox"/> No psychiatric deterioration standard, adequate grave disability standard (5 pts) <p>or</p> <input checked="" type="checkbox"/> If outpatient criteria are distinct from inpatient criteria: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Allows consideration of length of treatment history ≥ 36 months (2 pts) <ul style="list-style-type: none"> <input type="checkbox"/> Does not exclude periods of incarceration or hospitalization (-1 pt) <input checked="" type="checkbox"/> Does not limit application to those currently dangerous or unstable (4 pts) <input checked="" type="checkbox"/> Does not limit application to those refusing service or currently lacking insight (4 pts) 	10
4. Authorizes AOT directly from community (5 pts)	Haw. Rev. Stat. § 334-123		5
5. Procedures sufficiently detailed to guide practitioners (up to 5 pts)	Haw. Rev. Stat. §§ 334-121-27, 334-133	<input checked="" type="checkbox"/> Process specified and reasonable (1 pt) <input checked="" type="checkbox"/> Timelines specified and reasonable (1 pt) <input checked="" type="checkbox"/> Responsible entities identified (1 pt) <input type="checkbox"/> Periodic reporting to court required (1 pt) <input checked="" type="checkbox"/> Renewal process expressly specified (1 pt)	4
6. Procedures require the treatment plan to be shared with the court (5 pts)	Haw. Rev. Stat. § 334-126(h)		5
7. Specifies procedures and consequences for nonadherence (5 pts)	Haw. Rev. Stat. § 334-129		5
8. Duration of initial order	Haw. Rev. Stat. § 334-127(b)	<input type="checkbox"/> = 90 days (2 pts) <u>or</u> <input checked="" type="checkbox"/> > 90 days (5 pts) One year	5
9. Duration of continued order	Haw. Rev. Stat. § 334-133	<input type="checkbox"/> = 180 days (2 pts) <u>or</u> <input checked="" type="checkbox"/> > 180 days (5 pts) One year	5
SUBTOTAL			49
PART TWO: Extra Credit			
1. Specifies court for AOT (1 pt)	Haw. Rev. Stat. § 334-121	Family court	1
2. Court monitoring of voluntary settlement agreements (5 pts)			
Extra Credit			1
PART TWO TOTAL			50

FINAL SCORE	
PART ONE TOTAL	41
PART TWO TOTAL	50
TOTAL	91
GRADE	A-

Comments:

- In 2019, Hawaii's legislature expressly re-incorporated failure to obtain needed treatment for mental illness to prevent serious physical debilitation or disease into its definition of 'dangerous to self.'
- In 2019, the definition of 'imminent' was revised to include harm that may occur within 45 days, enabling a court to intervene based on foreseeable harm or deterioration.