

SENATE BILL NO. 225

Introduced: 01/19/83

Referred to Committee on Judiciary: 01/19/83

Hearing: 2/1/83

Report: 02/02/83, Do Pass

On Motion, 2/7/83, That The Bill Be Taken From 2nd Reading and Rereferred to Committee on Judiciary. Motion Passed Unanimously.

Rereferred to Committee on Judiciary: 2/7/83

Report: 2/16/83, Do Pass, As Amended.

2nd Reading: 02/18/83, Do Pass, As Amended.

3rd Reading: 02/22/83

Transmitted to House: 02/22/83

Referred to Committee on Judiciary: 02/28/83

Hearing: 3/9/83

Report: 03/11/83, Be Not Concurred In

Bill Killed: 03/14/83

1 *Sen. Bill No. 225*  
2 INTRODUCED BY *Sen. Davis*

3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE DETENTION  
6 PERIOD OF A VOLUNTARY APPLICANT AT A MENTAL HEALTH FACILITY  
7 FROM 5 TO 10 DAYS PRIOR TO PETITIONING FOR COURT INVOLUNTARY  
8 COMMITMENT; AMENDING SECTIONS 53-21-111 AND 53-21-112, MCA."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 53-21-111, MCA, is amended to read:

12 "53-21-111. Voluntary admission. (1) Nothing in this  
13 part may be construed in any way as limiting the right of  
14 any person to make voluntary application for admission at  
15 any time to any mental health facility or professional  
16 person. An application for admission to a mental health  
17 facility shall be in writing on a form prescribed by the  
18 facility and approved by the department. It is not valid  
19 unless it is approved by a professional person and a copy is  
20 given to the person voluntarily admitting himself. A  
21 statement of the rights of the person voluntarily applying  
22 for admission, as set out in this part, including the right  
23 to release, shall be furnished to the patient within 12  
24 hours.

25 (2) Any applicant who wishes to voluntarily apply for

1 admission to the state hospital shall first obtain  
2 certification from a professional person that the applicant  
3 is suffering from a mental disorder and that the facilities  
4 available to the mental health region in which the applicant  
5 resides are unable to provide adequate evaluation and  
6 treatment, except such certification is not necessary if the  
7 applicant obtains certification from the regional mental  
8 health director of his mental health region that the  
9 applicant is financially unable to receive evaluation and  
10 treatment from the facilities available to the mental health  
11 region.

12 (3) An application for voluntary admission shall give  
13 the facility the right to detain the applicant for no more  
14 than 5 10 days, excluding weekends and holidays, past his  
15 written request for release. A mental health facility may  
16 adopt rules providing for detention of the applicant for  
17 less than 5 10 days. The facility must notify all applicants  
18 of such rules and post such rules as provided in 53-21-168.

19 (4) Any person voluntarily entering or remaining in  
20 any mental health facility shall enjoy all the rights  
21 secured to a person involuntarily committed to the  
22 facility."

23 Section 2. Section 53-21-112, MCA, is amended to read:

24 "53-21-112. Voluntary admission of minors. (1)  
25 Notwithstanding any other provision of law, a minor who is

1 16 years of age or older may consent to receive mental  
2 health services to be rendered by a facility or a person  
3 licensed to practice medicine or psychology in this state.

4 (2) Except as provided by this section, the provisions  
5 of 53-21-111 apply to the voluntary admission of a minor to  
6 a mental health facility or the state hospital.

7 (3) Except as provided by this subsection, voluntary  
8 admission of a minor to a mental health facility for an  
9 inpatient course of treatment shall be for the same period  
10 of time as that for an adult. A minor voluntarily admitted  
11 shall have the right to be released within 5 10 days of his  
12 request as provided in 53-21-111(3). The minor himself may  
13 make such request. Unless there has been a periodic review  
14 and a voluntary readmission consented to by the minor  
15 patient and his counsel, voluntary admission terminates at  
16 the expiration of 1 year. Counsel shall be appointed for the  
17 minor at the minor's request or at any time he is faced with  
18 potential legal proceedings.

19 (4) If, in any application for voluntary admission for  
20 any period of time to a mental health facility, a minor  
21 fails to join in the consent of his parents or guardian to  
22 the voluntary admission, then the application for admission  
23 shall be treated as a petition for involuntary commitment.  
24 Notice of the substance of this subsection and of the right  
25 to counsel shall be set forth in conspicuous type in a

1 conspicuous location on any form or application used for the  
2 voluntary admission of a minor to a mental health facility.  
3 The notice shall be explained to the minor.\*

-End-



1 16 years of age or older may consent to receive mental  
2 health services to be rendered by a facility or a person  
3 licensed to practice medicine or psychology in this state.

4 (2) Except as provided by this section, the provisions  
5 of 53-21-111 apply to the voluntary admission of a minor to  
6 a mental health facility or the state hospital.

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9 inpatient course of treatment shall be for the same period  
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2 voluntary admission of a minor to a mental health facility.  
3 The notice shall be explained to the minor."

-End-

Rereferred and  
Approved by Committee  
on Judiciary

SENATE BILL NO. 225

INTRODUCED BY DANIELS

BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND ~~THE DETENTION~~  
~~PERIOD OF A VOLUNTARY APPLICANT AT A MENTAL HEALTH FACILITY~~  
~~FROM 5 TO 10 DAYS PRIOR TO PETITIONING FOR COURT INVOLUNTARY~~  
~~FROM 5 TO 10 DAYS THE PERIOD OF TIME FOLLOWING A REQUEST FOR~~  
~~RELEASE IN WHICH A PERSON VOLUNTARILY COMMITTED TO A MENTAL~~  
~~HEALTH FACILITY MAY BE DETAINED FOR EVALUATION; PROVIDING~~  
~~THAT SUCH DETENTION IS ALLOWED ONLY IF THE PERSON HAS~~  
~~REQUESTED RELEASE DURING THE FIRST 15 DAYS OF HIS VOLUNTARY~~  
COMMITMENT; AMENDING SECTIONS 53-21-111 AND 53-21-112, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-21-111, MCA, is amended to read:

"53-21-111. Voluntary admission. (1) Nothing in this  
part may be construed in any way as limiting the right of  
any person to make voluntary application for admission at  
any time to any mental health facility or professional  
person. An application for admission to a mental health  
facility shall be in writing on a form prescribed by the  
facility and approved by the department. It is not valid  
unless it is approved by a professional person and a copy is  
given to the person voluntarily admitting himself. A

statement of the rights of the person voluntarily applying  
for admission, as set out in this part, including the right  
to release, shall be furnished to the patient within 12  
hours.

(2) Any applicant who wishes to voluntarily apply for  
admission to the state hospital shall first obtain  
certification from a professional person that the applicant  
is suffering from a mental disorder and that the facilities  
available to the mental health region in which the applicant  
resides are unable to provide adequate evaluation and  
treatment, except such certification is not necessary if the  
applicant obtains certification from the regional mental  
health director of his mental health region that the  
applicant is financially unable to receive evaluation and  
treatment from the facilities available to the mental health  
region.

(3) An application for voluntary admission shall give  
the facility the right to detain the applicant for no more  
than 5 10 days, excluding weekends and holidays, past his  
written request for release, ~~IF THE WRITTEN REQUEST IS MADE~~  
~~WITHIN THE FIRST 15 DAYS FOLLOWING ADMISSION.~~ A mental  
health facility may adopt rules providing for detention of  
the applicant for less than 5 10 days. The facility must  
notify all applicants of such rules and post such rules as  
provided in 53-21-168.

SECOND READING

-2-

SB 225  
SECOND PRINTING  
with amendments dated 2/15

1 (4) Any person voluntarily entering or remaining in  
2 any mental health facility shall enjoy all the rights  
3 secured to a person involuntarily committed to the  
4 facility."

5 Section 2. Section 53-21-112, MCA, is amended to read:

6 "53-21-112. Voluntary admission of minors. (1)  
7 Notwithstanding any other provision of law, a minor who is  
8 16 years of age or older may consent to receive mental  
9 health services to be rendered by a facility or a person  
10 licensed to practice medicine or psychology in this state.

11 (2) Except as provided by this section, the provisions  
12 of 53-21-111 apply to the voluntary admission of a minor to  
13 a mental health facility or the state hospital.

14 (3) Except as provided by this subsection, voluntary  
15 admission of a minor to a mental health facility for an  
16 inpatient course of treatment shall be for the same period  
17 of time as that for an adult. A minor voluntarily admitted  
18 shall have the right to be released within 5 ~~10~~ days of his  
19 request as provided in 53-21-111(3). IF THE WRITTEN REQUEST  
20 IS MADE WITHIN THE FIRST 15 DAYS FOLLOWING ADMISSION. The  
21 minor himself may make such request. Unless there has been a  
22 periodic review and a voluntary readmission consented to by  
23 the minor patient and his counsel, voluntary admission  
24 terminates at the expiration of 1 year. Counsel shall be  
25 appointed for the minor at the minor's request or at any

1 time he is faced with potential legal proceedings.

2 (4) If, in any application for voluntary admission for  
3 any period of time to a mental health facility, a minor  
4 fails to join in the consent of his parents or guardian to  
5 the voluntary admission, then the application for admission  
6 shall be treated as a petition for involuntary commitment.  
7 Notice of the substance of this subsection and of the right  
8 to counsel shall be set forth in conspicuous type in a  
9 conspicuous location on any form or application used for the  
10 voluntary admission of a minor to a mental health facility.  
11 The notice shall be explained to the minor."

-End-

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PERIOD-OF-A-VOLUNTARY-APPLICANT-AT-A-MENTAL-HEALTH-FACILITY  
FROM-5-TO-10-DAYS-PRIOR-TO-PETITIONING-FOR-COURT-INVOLEUNTARY  
FROM-5-TO-10-DAYS THE PERIOD OF TIME FOLLOWING A REQUEST FOR  
RELEASE IN WHICH A PERSON VOLUNTARILY COMMITTED TO A MENTAL  
HEALTH FACILITY MAY BE DETAINED FOR EVALUATION AND  
PROCESSING COMMITMENT PROCEEDINGS; PROVIDING THAT SUCH  
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unless it is approved by a professional person and a copy is

given to the person voluntarily admitting himself. A  
statement of the rights of the person voluntarily applying  
for admission, as set out in this part, including the right  
to release, shall be furnished to the patient within 12  
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(2) Any applicant who wishes to voluntarily apply for  
admission to the state hospital shall first obtain  
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resides are unable to provide adequate evaluation and  
treatment, except such certification is not necessary if the  
applicant obtains certification from the regional mental  
health director of his mental health region that the  
applicant is financially unable to receive evaluation and  
treatment from the facilities available to the mental health  
region.

(3) An application for voluntary admission shall give  
the facility the right to detain the applicant for no more  
than 5 ~~to~~ 5 days, excluding weekends and holidays, past his  
written request for release PROVIDED THAT IN THE EVENT A  
PETITION IS FILED UNDER 53-21-121 AND 53-21-122, HE MAY BE  
DETAINED FOR THE TIME NECESSARY TO PROCESS A COMMITMENT  
PROCEEDING AS PROVIDED IN 53-21-124, IF THE WRITTEN REQUEST  
IS MADE WITHIN THE FIRST 15 DAYS FOLLOWING ADMISSION. A



1 mental health facility may adopt rules providing for  
2 detention of the applicant for less than 5 10 days. The  
3 facility must notify all applicants of such rules and post  
4 such rules as provided in 53-21-168.

5 (4) Any person voluntarily entering or remaining in  
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20 inpatient course of treatment shall be for the same period  
21 of time as that for an adult. A minor voluntarily admitted  
22 shall have the right to be released within 5 ~~10~~ 5 days of  
23 his request as provided in 53-21-111(3) ~~IF THE WRITTEN~~  
24 ~~REQUEST IS MADE WITHIN THE FIRST 15 DAYS FOLLOWING ADMISSION~~  
25 ~~PROVIDED, THAT IN THE EVENT A PETITION IS FILED UNDER~~

1 ~~53-21-121 AND 53-21-122, HE MAY BE DETAINED FOR THE TIME~~  
2 ~~NECESSARY TO PROCESS A COMMITMENT PROCEEDING AS PROVIDED IN~~  
3 ~~53-21-124.~~ The minor himself may make such request. Unless  
4 there has been a periodic review and a voluntary readmission  
5 consented to by the minor patient and his counsel, voluntary  
6 admission terminates at the expiration of 1 year. Counsel  
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-End-