

HB 521 INTRODUCED BY MILLER
ALLOW FILING OF PETITION FOR COMMITMENT EXTENSION IN
COUNTY OF FACILITY
BY REQUEST OF DEPARTMENT OF INSTITUTIONS

1/28 INTRODUCED
1/28 REFERRED TO HUMAN SERVICES & AGING
2/05 HEARING
2/05 TABLED IN COMMITTEE

1 House BILL NO. 521
 2 INTRODUCED BY Muller
 3 BY REQUEST OF THE DEPARTMENT OF INSTITUTIONS
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE
 6 PROFESSIONAL PERSON IN CHARGE OF A RESIDENT AT A RESIDENTIAL
 7 FACILITY TO FILE A PETITION FOR EXTENSION OF COMMITMENT IN
 8 THE COUNTY WHERE THE FACILITY IS LOCATED; AND AMENDING
 9 SECTION 53-20-128, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 53-20-128, MCA, is amended to read:
 13 "53-20-128. Extension of admission period -- hearing.
 14 (1) If the professional person in charge of the resident
 15 determines that the admission to the residential facility
 16 should continue beyond the period specified in the court
 17 order, he shall, at least 15 days before the end of the
 18 period set out in the court order, send written notice of
 19 his recommendation and request for renewal of the order to:
 20 (a) the court which issued the order, or the district
 21 court of the county where the facility is located;
 22 (b) the resident;
 23 (c) his parents or guardian;
 24 (d) the next of kin, if known;
 25 (e) the attorney who most recently represented the

1 resident, if any; and
 2 (f) the responsible person appointed by the court, if
 3 any.
 4 (2) The recommendation and request shall be
 5 accompanied by a written report which shall describe the
 6 habilitation plan which has been undertaken for the resident
 7 and the future habilitation plan which is anticipated by the
 8 professional person.
 9 ~~†2†~~(3) If any person so notified requests a hearing,
 10 the court shall set a time and place for the hearing and
 11 shall mail or deliver notice to all of the persons informed
 12 of the recommendation. The hearing shall be conducted in the
 13 manner set out in 53-20-125. If the court finds that the
 14 residential admission is still justified, it may order
 15 continuation of the admission to that residential facility
 16 or transfer of the resident to a different residential
 17 facility. If the court finds that the resident is still in
 18 need of developmental disabilities services but does not
 19 require residential treatment, it shall order an appropriate
 20 course of community-based habilitation or, if all parties
 21 are willing for the resident to participate in a
 22 community-based program of habilitation, it shall dismiss
 23 the petition. If the need for developmental disabilities
 24 services no longer exists, the court shall dismiss the
 25 petition. The court shall not order continuation of



1 admission to a residential facility which does not have an
2 individualized habilitation plan for the resident. In its
3 order, the court shall make findings of fact on which its
4 order is based. The court may on its own initiative inquire
5 concerning the suitability of continuing an admission to a
6 residential facility."

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