

HOUSE BILL 197

Introduced by Addy

1/16	Introduced
1/17	Referred to Judiciary
1/27	Hearing
2/06	Committee Report--Bill Passed as Amended
2/08	2nd Reading Passed
2/10	3rd Reading Passed

Transmitted to Senate

2/11	Referred to Public Health, Welfare & Safety
3/08	Hearing
	Died in Committee

1 House BILL NO. 197
2 INTRODUCED BY [Signature]
3 BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
6 53-21-112, MCA, TO REVISE THE PROCEDURE FOR THE VOLUNTARY
7 ADMISSION OF MINORS TO A MENTAL HEALTH FACILITY; AND
8 PROVIDING AN EFFECTIVE DATE."
9

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

11 **Section 1.** Section 53-21-112, MCA, is amended to read:

12 "53-21-112. Voluntary admission of minors --
13 compliance. (1) The parents or parent, guardian, or other
14 person legally responsible for a minor under 16 years of age
15 may make voluntary application for admission of the minor to
16 a mental health facility, other than a state institution, if
17 a professional person submits a written report to the
18 facility, prior to admission, certifying that:

19 (a) the minor is:

20 (i) mentally ill or seriously mentally ill; or

21 (ii) an emotionally disturbed child as defined in

22 53-4-101; and

23 (b) placement of the minor in the mental health
24 facility is the least restrictive environment available for
25 treatment.

1 ~~(1)~~(2) Notwithstanding any other provision of law, a
2 minor who is 16 years of age or older may consent to receive
3 mental health services to be rendered by:

4 (a) a mental health facility that is not a state
5 institution upon submission of the written report required
6 under subsection (1); or

7 (b) a person licensed to practice medicine or
8 psychology in this state.

9 ~~(2)~~(3) Except as provided by this section, the
10 provisions of 53-21-111 apply to the voluntary admission of
11 a minor to a mental health facility but not to the state
12 hospital.

13 (4) An application for voluntary admission to a mental
14 health facility under this section must be made in writing
15 on a form prescribed by the facility. The application form
16 must include:

17 (a) the written consent of the parents or parent,
18 guardian, or other person legally responsible for a minor
19 under 16 years of age; or

20 (b) the written consent of a minor 16 years of age or
21 older.

22 (5) A mental health facility may not accept a minor
23 for voluntary admission unless the provisions of 53-21-111
24 and this section have been satisfied. The facility shall
25 maintain records to document compliance with the

1 requirements of 53-21-111 and this section.

2 ~~{3}(6)(a) Except---as---provided---by---this---subsection,~~
3 ~~voluntary-admission-of-a-minor-to-a-mental--health--facility~~
4 ~~for--an-inpatient-course-of-treatment-shall-be-for--the-same~~
5 ~~period-of-time-as-that-for-an--adult:~~ A minor voluntarily
6 admitted shall have the right to be released within 5 days
7 of his a request for release as provided for in
8 53-21-111(3). The request may be made by:

9 (i) the minor himself if he is 16 years of age or
10 older; or

11 (ii) the parents or parent, guardian, or other person
12 legally responsible for a minor under 16 years of age may
13 make-such-request.

14 (b) Unless there has been a periodic review and a
15 voluntary readmission consented to by the minor patient who
16 is 16 years of age or older and his counsel or by the
17 parents or parent, guardian, or other person legally
18 responsible for the minor patient under 16 years of age,
19 voluntary admission terminates at the expiration of 1-year 6
20 months. Counsel shall must be appointed for the minor at the
21 minor's request or at any time he is faced with potential
22 legal proceedings.

23 ~~{4}(7)~~ If, in any application for voluntary admission
24 for any period of time to a mental health facility, a minor
25 who is under 16 years of age fails to join in the consent of

1 his parents or parent, or guardian, or other person to the
2 voluntary admission, then the application for admission
3 shall be treated as a petition for involuntary commitment.
4 Notice of the substance of this subsection and of the right
5 to counsel shall be set forth in conspicuous type in a
6 conspicuous location on any form or application used for the
7 voluntary admission of a minor to a mental health facility.
8 The notice shall be explained to the minor within 12 hours
9 of admission and every 60 days thereafter.

10 (8) The department of health and environmental
11 sciences shall review compliance with the requirements of
12 this section in determining whether a mental health facility
13 meets the minimum standards for licensing, as provided in
14 50-5-204."

15 NEW SECTION. Section 2. Extension of authority. Any
16 existing authority to make rules on the subject of the
17 provisions of [this act] is extended to the provisions of
18 [this act].

19 NEW SECTION. Section 3. Effective date. [This act] is
20 effective July 1, 1989.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 197

INTRODUCED BY ADDY

BY REQUEST OF THE DEPARTMENT OF FAMILY SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 53-21-112, MCA, TO REVISE THE PROCEDURE FOR THE VOLUNTARY ADMISSION OF MINORS TO A MENTAL HEALTH FACILITY; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 53-21-112, MCA, is amended to read:

"53-21-112. Voluntary admission of minors -- compliance. (1) The parents or parent, guardian, or other person legally responsible for a minor under 16 years of age may make voluntary application for admission of the minor to a mental health facility, other than a state institution, if a professional person submits a written report to the facility, prior to admission, certifying that:

(a) the minor is:

~~(i) mentally ill or seriously mentally ill; or~~

~~(ii) an emotionally-disturbed child as defined in~~

~~53-4-101; and~~

(b) placement of the minor in the mental health facility is the least restrictive environment available for treatment.

~~(1)(2)~~ Notwithstanding any other provision of law, a minor who is 16 years of age or older may consent to receive mental health services to be rendered by:

(a) a mental health facility that is not a state institution upon submission of the written report required under subsection (1); or

(b) a person licensed to practice medicine or psychology in this state.

~~(2)(3)~~ Except as provided by this section, the provisions of 53-21-111 apply to the voluntary admission of a minor to a mental health facility but not to the state hospital.

(4) An application for voluntary admission to a mental health facility under this section must be made in writing on a form prescribed by the facility. The application form must include:

(a) the written consent of the parents or parent, guardian, or other person legally responsible for a minor under 16 years of age; or

(b) the written consent of a minor 16 years of age or older.

(5) A mental health facility may not accept a minor for voluntary admission unless the provisions of 53-21-111 and this section have been satisfied. The facility shall maintain records to document compliance with the

requirements of 53-21-111 and this section.

~~(3)(6)(a) Except---as---provided---by---this---subsection,~~
~~voluntary-admission-of-a-minor-to-a-mental--health--facility~~
~~for--an-inpatient-course-of-treatment-shall-be-for--the-same~~
~~period-of-time-as-that-for-an--adult.~~ A minor voluntarily
 admitted shall have the right to be released within 5 days
 of his a request for release as provided for in
 53-21-111(3). The request may be made by:

(i) the minor himself if he is 16 years of age or
older; or

(ii) the parents or parent, guardian, or other person
legally responsible for a minor under 16 years of age may
make such request.

(b) Unless there has been a periodic review and a
voluntary readmission consented to by the minor patient who
is 16 years of age or older and his counsel or by the
parents or parent, guardian, or other person legally
responsible for the minor patient under 16 years of age,
voluntary admission terminates at the expiration of 1-year 6
months. Counsel shall must be appointed for the minor at the
minor's request or at any time he is faced with potential
legal proceedings.

~~(4)(7)~~ If, in any application for voluntary admission
 for any period of time to a mental health facility, a minor
who is under 16 years of age fails to join in the consent of

his parents or parent, or guardian, or other person to the
 voluntary admission, then the application for admission
 shall be treated as a petition for involuntary commitment.
 Notice of the substance of this subsection and of the right
 to counsel shall be set forth in conspicuous type in a
 conspicuous location on any form or application used for the
 voluntary admission of a minor to a mental health facility.
 The notice shall be explained to the minor within 12 hours
of admission and every 60 days thereafter.

(8) The department of health and environmental
sciences shall review compliance with the requirements of
this section in determining whether a mental health facility
meets the minimum standards for licensing, as provided in
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~~53-4-101; and~~

(b) placement of the minor in the mental health facility is the least restrictive environment available for treatment.

~~(1)~~ (2) Notwithstanding any other provision of law, a minor who is 16 years of age or older may consent to receive mental health services to be rendered by:

(a) a mental health facility that is not a state institution upon submission of the written report required under subsection (1); or

(b) a person licensed to practice medicine or psychology in this state.

~~(2)~~ (3) Except as provided by this section, the provisions of 53-21-111 apply to the voluntary admission of a minor to a mental health facility but not to the state hospital.

(4) An application for voluntary admission to a mental health facility under this section must be made in writing on a form prescribed by the facility. The application form must include:

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(5) A mental health facility may not accept a minor for voluntary admission unless the provisions of 53-21-111 and this section have been satisfied. The facility shall maintain records to document compliance with the

requirements of 53-21-111 and this section.

~~{3}{6}(a)~~ Except---as---provided---by---this---subsection,
voluntary admission of a minor to a mental health facility
for an inpatient course of treatment shall be for the same
period of time as that for an adult. A minor voluntarily
admitted shall have the right to be released within 5 days
of his a request for release as provided for in
53-21-111(3). The request may be made by:

(i) the minor himself if he is 16 years of age or
older; or

(ii) the parents or parent, guardian, or other person
legally responsible for a minor under 16 years of age may
make such request.

(b) Unless there has been a periodic review and a
voluntary readmission consented to by the minor patient who
is 16 years of age or older and his counsel or by the
parents or parent, guardian, or other person legally
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