

By: Carlton

To: Public Health and  
Welfare

SENATE BILL NO. 2596

1 AN ACT TO AMEND SECTION 41-21-103, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE AGE FOR VOLUNTARY COMMITMENT OF A CHILD BY THE  
3 CHILD'S PARENT OR GUARDIAN; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. Section 41-21-103, Mississippi Code of 1972, is  
6 amended as follows:[CSQ1]

7 41-21-103. (1) Unless he or she has a legal guardian or  
8 conservator, a married person or a person eighteen (18) years of  
9 age or older may be admitted to a treatment facility as a  
10 voluntary admittee for treatment provided the director deems such  
11 person suitable for admission, upon the filing of an application  
12 with said director, accompanied by certificates of two (2)  
13 physicians or by one (1) physician and one (1) psychologist who  
14 certify that they have examined the person within the last five  
15 (5) days and that such person is in need of observation, diagnosis  
16 and treatment. The director may accept applications from the  
17 person seeking admission or any interested person with the  
18 applicant's written consent.

19 (2) A mentally retarded person who is under the age of  
20 eighteen (18) years and who is not married may be admitted to a  
21 treatment facility upon application of his or her parent or legal  
22 guardian if the following has occurred:

23 (a) An investigation by the director which carefully  
24 probes the person's social, psychological and developmental  
25 background; and

26 (b) A determination by the director that the person

27 will benefit from care and treatment of his disorder at the  
28 facility and that services and facilities are available. The  
29 reasons for the determination shall be recorded in writing.

30 (3) A mentally retarded or mentally ill person who is  
31 married or eighteen (18) years of age or older and who has a legal  
32 guardian or conservator may be admitted to a treatment facility  
33 upon application of his or her legal guardian or conservator if  
34 authorization to make such application has been received from the  
35 court having jurisdiction of such guardianship or conservatorship  
36 and the following has occurred:

37 (a) An investigation by the director which carefully  
38 probes the person's social, psychological and developmental  
39 background; and

40 (b) A determination by the director that the person  
41 will benefit from care and treatment of his disorder at the  
42 facility and that services and facilities are available. The  
43 reasons for the determination shall be recorded in writing.

44 (4) A mentally ill person who is under the age of seventeen  
45 (17) years may be admitted to a treatment facility upon the  
46 application of his or her parent or legal guardian if the  
47 following has occurred:

48 (a) An investigation by the director which carefully  
49 probes the person's social, psychological and developmental  
50 background; and

51 (b) A determination by the director that the person  
52 will benefit from care and treatment of his disorder at the  
53 facility and that services and facilities are available. The  
54 reasons for the determination shall be recorded in writing.

55 (5) A mentally ill person who is seventeen (17) years of  
56 age \* \* \* may be admitted to a treatment facility in the same  
57 manner as an adult may be involuntarily committed.

58 (6) Any voluntary admittee may leave a treatment facility  
59 after five (5) days, excluding Saturdays, Sundays and holidays,

60 after he gives any member of the treatment facility staff written  
61 notice of his desire to leave, unless prior to leaving, the  
62 patient withdraws such notice by written withdrawal or unless  
63 within said five (5) days a petition and the certificates of two  
64 (2) examining physicians, or one (1) physician and one (1)  
65 psychologist, stating that the patient is in need of treatment,  
66 are filed with the chancery clerk in the county of the patient's  
67 residence or the county in which the treatment facility is  
68 located, provided that if the admittee is at Mississippi State  
69 Hospital at Whitfield such petition and certificates shall be  
70 filed with the chancery clerk in the county of patient's residence  
71 or with the Chancery Clerk for the First Judicial District of  
72 Hinds County, and the chancellor or clerk shall order a hearing  
73 pursuant to Sections 41-21-61 through 41-21-107. The patient may  
74 continue to be hospitalized pending a final order of the court in  
75 the court proceedings.

76 (7) The written application form for voluntary admission  
77 shall contain in large, bold-face type a statement in simple,  
78 nontechnical terms that the admittee may not leave for five (5)  
79 days, excluding Saturdays, Sundays and holidays, after giving  
80 written notice of his desire to leave. This right to leave must  
81 also be communicated orally to the admittee at the time of his  
82 admission, and a copy of the application form given to the  
83 admittee and to any parent, guardian, relative, attorney or friend  
84 who accompanied the patient to the treatment facility.

85 SECTION 2. This act shall take effect and be in force from  
86 and after July 1, 2000.