

By: Carlton

To: Public Health and
Welfare

SENATE BILL NO. 2596
(As Passed the Senate)

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. The custodial parent, legal guardian,
76 relative or attorney who accompanied the patient to the treatment
77 facility will be notified if any voluntary admittee gives written
78 notice of his desire for discharge.

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

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