



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4199

by Rep. Robert W. Pritchard

SYNOPSIS AS INTRODUCED:

405 ILCS 5/3-503
405 ILCS 5/3-504

from Ch. 91 1/2, par. 3-503
from Ch. 91 1/2, par. 3-504

Amends the Mental Health and Developmental Disabilities Code. In provisions concerning a required written statement that a minor meets the standard for admission to a mental health facility, provides that a clinical professional counselor who has personally examined the minor may make such a statement. Provides that if a court finds, based on the evaluation by a licensed clinical professional counselor, that it is necessary in order to complete an examination of a minor, the court may order that the minor be admitted to a mental health facility pending examination and may order a peace officer or other person to take the minor into custody and transport the minor to the facility. Effective immediately.

LRB095 14509 DRJ 40417 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Sections 3-503 and
6 3-504 as follows:

7 (405 ILCS 5/3-503) (from Ch. 91 1/2, par. 3-503)

8 Sec. 3-503. Admission on application of parent or guardian.

9 (a) Any minor may be admitted to a mental health facility
10 for inpatient treatment upon application to the facility
11 director, if the facility director finds that the minor has a
12 mental illness or emotional disturbance of such severity that
13 hospitalization is necessary and that the minor is likely to
14 benefit from inpatient treatment. Except in cases of admission
15 under Section 3-504, prior to admission, a psychiatrist,
16 clinical social worker, clinical professional counselor, or
17 clinical psychologist who has personally examined the minor
18 shall state in writing that the minor meets the standard for
19 admission. The statement shall set forth in detail the reasons
20 for that conclusion and shall indicate what alternatives to
21 hospitalization have been explored.

22 (b) The application may be executed by a parent or guardian
23 or, in the absence of a parent or guardian, by a person in loco

1 parentis. Application may be made for a minor who is a ward of
2 the State by the Department of Children and Family Services or
3 by the Department of Corrections.

4 (Source: P.A. 91-726, eff. 6-2-00.)

5 (405 ILCS 5/3-504) (from Ch. 91 1/2, par. 3-504)

6 Sec. 3-504. Minors; emergency admissions.

7 (a) A minor who is eligible for admission under Section
8 3-503 and who is in a condition that immediate hospitalization
9 is necessary may be admitted upon the application of a parent
10 or guardian, or person in loco parentis, or of an interested
11 person 18 years of age or older when, after diligent effort,
12 the minor's parent, guardian or person in loco parentis cannot
13 be located or refuses to consent to admission. Following
14 admission of the minor, the facility director of the mental
15 health facility shall continue efforts to locate the minor's
16 parent, guardian or person in loco parentis. If that person is
17 located and consents in writing to the admission, the minor may
18 continue to be hospitalized. However, upon notification of the
19 admission, the parent, guardian or person in loco parentis may
20 request the minor's discharge subject to the provisions of
21 Section 3-508.

22 (b) A peace officer may take a minor into custody and
23 transport the minor to a mental health facility when, as a
24 result of his personal observation, the peace officer has
25 reasonable grounds to believe that the minor is eligible for

1 admission under Section 3-503 and is in a condition that
2 immediate hospitalization is necessary in order to protect the
3 minor or others from physical harm. Upon arrival at the
4 facility, the peace officer shall complete an application under
5 Section 3-503 and shall further include a detailed statement of
6 the reason for the assertion that immediate hospitalization is
7 necessary, including a description of any acts or significant
8 threats supporting the assertion, the time and place of the
9 occurrence of those acts or threats, and the names, addresses
10 and telephone numbers of other witnesses of those acts or
11 threats.

12 (c) If no parent, guardian or person in loco parentis can
13 be found within 3 days, excluding Saturdays, Sundays or
14 holidays, after the admission of a minor, or if that person
15 refuses either to consent to admission of the minor or to
16 request his discharge, a petition shall be filed under the
17 Juvenile Court Act of 1987 to ensure that appropriate
18 guardianship is provided.

19 (d) If, however, a court finds, based on the evaluation by
20 a psychiatrist, licensed clinical social worker, licensed
21 clinical professional counselor, or licensed clinical
22 psychologist or the testimony or other information offered by a
23 parent, guardian, person acting in loco parentis or other
24 interested adults, that it is necessary in order to complete an
25 examination of a minor, the court may order that the minor be
26 admitted to a mental health facility pending examination and

1 may order a peace officer or other person to transport the
2 minor to the facility.

3 (e) If a parent, guardian, or person acting in loco
4 parentis is unable to transport a minor to a mental health
5 facility for examination, the parent, guardian, or person
6 acting in loco parentis may petition the court to compel a
7 peace officer to take the minor into custody and transport the
8 minor to a mental health facility for examination. The court
9 may grant the order if the court finds, based on the evaluation
10 by a psychiatrist, licensed clinical social worker, licensed
11 clinical professional counselor, or licensed clinical
12 psychologist or the testimony of a parent, guardian, or person
13 acting in loco parentis that the examination is necessary and
14 that the assistance of a peace officer is required to
15 effectuate admission of the minor to a mental health facility.

16 (f) Within 24 hours after admission under this Section, a
17 psychiatrist or clinical psychologist who has personally
18 examined the minor shall certify in writing that the minor
19 meets the standard for admission. If no certificate is
20 furnished, the minor shall be discharged immediately.

21 (Source: P.A. 91-726, eff. 6-2-00.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.