

**SB3468**



**98TH GENERAL ASSEMBLY**

**State of Illinois**

**2013 and 2014**

**SB3468**

Introduced 2/14/2014, by Sen. Kirk W. Dillard

**SYNOPSIS AS INTRODUCED:**

405 ILCS 5/3-504

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

Amends the Mental Health and Developmental Disabilities Code. Provides that a peace officer may take a minor into custody and transport the minor to a mental health facility when the peace officer has reasonable grounds (deletes that the officer's reasons must be the result of his or her personal observation) to believe that the minor is eligible for admission under the Code and is in a condition that immediate hospitalization is necessary in order to protect the minor or others from physical harm. Effective immediately.

LRB098 18193 RLC 53322 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 Section 3-504 as  
6 follows:

7 (405 ILCS 5/3-504) (from Ch. 91 1/2, par. 3-504)

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

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

1           (b) A peace officer may take a minor into custody and  
2 transport the minor to a mental health facility when, ~~as a~~  
3 ~~result of his personal observation,~~ the peace officer has  
4 reasonable grounds to believe that the minor is eligible for  
5 admission under Section 3-503 and is in a condition that  
6 immediate hospitalization is necessary in order to protect the  
7 minor or others from physical harm. Upon arrival at the  
8 facility, the peace officer shall complete an application under  
9 Section 3-503 and shall further include a detailed statement of  
10 the reason for the assertion that immediate hospitalization is  
11 necessary, including a description of any acts or significant  
12 threats supporting the assertion, the time and place of the  
13 occurrence of those acts or threats, and the names, addresses  
14 and telephone numbers of other witnesses of those acts or  
15 threats.

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

23           (d) If, however, a court finds, based on the evaluation by  
24 a psychiatrist, licensed clinical social worker, licensed  
25 clinical professional counselor, or licensed clinical  
26 psychologist or the testimony or other information offered by a

1 parent, guardian, person acting in loco parentis or other  
2 interested adults, that it is necessary in order to complete an  
3 examination of a minor, the court may order that the minor be  
4 admitted to a mental health facility pending examination and  
5 may order a peace officer or other person to transport the  
6 minor to the facility.

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

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

25 (Source: P.A. 95-804, eff. 8-12-08.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.