



## 96TH GENERAL ASSEMBLY

### State of Illinois

#### 2009 and 2010

##### HB2280

Introduced 2/18/2009, by Rep. Patricia R. Bellock

#### SYNOPSIS AS INTRODUCED:

405 ILCS 5/3-801	from Ch. 91 1/2, par. 3-801
405 ILCS 5/3-811	from Ch. 91 1/2, par. 3-811
405 ILCS 5/3-902	from Ch. 91 1/2, par. 3-902

Amends the Mental Health and Developmental Disabilities Code. Provides that a petitioner in an involuntary admission's case shall be notified of the respondent's request for voluntary admission to a mental health facility and the petitioner's right to object to such voluntary admission when the request was made prior to an adjudication of the matter and the facility director of the mental health facility has approved the respondent's request. Provides that if voluntary admission is accepted and the petition is dismissed by the court, or if the respondent is found subject to involuntary admission, notice shall be provided to the petitioner, orally and in writing, of his or her right to receive notice of the respondent's discharge. Further provides that a facility director of a mental health facility shall notify the petitioner in a successful involuntary admission case, of the hospitalized person's subsequent discharge at least 48 hours prior to discharge if the petitioner has requested in writing that such notification be given. Effective immediately.

LRB096 08706 KTG 18837 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 3-801, 3-811,  
6 and 3-902 as follows:

7 (405 ILCS 5/3-801) (from Ch. 91 1/2, par. 3-801)

8 Sec. 3-801. A respondent may request admission as an  
9 informal or voluntary recipient at any time prior to an  
10 adjudication that he is subject to involuntary admission. The  
11 facility director shall approve such a request unless the  
12 facility director determines that the respondent lacks the  
13 capacity to consent to informal or voluntary admission or that  
14 informal or voluntary admission is clinically inappropriate.  
15 The director shall not find that voluntary admission is  
16 clinically inappropriate in the absence of a documented history  
17 of the respondent's illness and treatment demonstrating that  
18 the respondent is unlikely to continue to receive needed  
19 treatment following release from informal or voluntary  
20 admission and that an order for alternative treatment or for  
21 care and custody is necessary in order to ensure continuity of  
22 treatment outside a mental health facility.

23 If the facility director approves such a request, the

1 petitioner shall be notified of the request and of his or her  
2 right to object thereto. The court may dismiss the pending  
3 proceedings, but shall consider any objection made by either  
4 the petitioner or the State's Attorney and may require proof  
5 that such dismissal is in the best interest of the respondent  
6 and of the public. If voluntary admission is accepted and the  
7 petition is dismissed by the court, notice shall be provided to  
8 the petitioner, orally and in writing, of his or her right to  
9 receive notice of the recipient's discharge pursuant to Section  
10 3-902(d).

11 (Source: P.A. 94-521, eff. 1-1-06.)

12 (405 ILCS 5/3-811) (from Ch. 91 1/2, par. 3-811)

13 Sec. 3-811. Involuntary admission; alternative mental  
14 health facilities. (a) If any person is found subject to  
15 involuntary admission, the court shall consider alternative  
16 mental health facilities which are appropriate for and  
17 available to the respondent, including but not limited to  
18 hospitalization. The court may order the respondent to undergo  
19 a program of hospitalization in a mental health facility  
20 designated by the Department, in a licensed private hospital or  
21 private mental health facility if it agrees, or in a facility  
22 of the United States Veterans Administration if it agrees; or  
23 the court may order the respondent to undergo a program of  
24 alternative treatment; or the court may place the respondent in  
25 the care and custody of a relative or other person willing and

1 able to properly care for him or her. The court shall order the  
2 least restrictive alternative for treatment which is  
3 appropriate.

4 (b) Whenever a person is found subject to involuntary  
5 admission, notice shall be provided to the petitioner, orally  
6 and in writing, of his or her right to receive notice of the  
7 recipient's discharge pursuant to Section 3-902(d).

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

9 (405 ILCS 5/3-902) (from Ch. 91 1/2, par. 3-902)

10 Sec. 3-902. Director initiated discharge.

11 (a) The facility director may at any time discharge an  
12 informal, voluntary, or minor recipient who is clinically  
13 suitable for discharge.

14 (b) The facility director shall discharge a recipient  
15 admitted upon court order under this Chapter or any prior  
16 statute where he is no longer subject to involuntary admission.  
17 If the facility director believes that continuing treatment is  
18 advisable for such recipient, he shall inform the recipient of  
19 his right to remain as an informal or voluntary recipient.

20 (c) When a facility director discharges or changes the  
21 status of a recipient pursuant to this Section he shall  
22 promptly notify the clerk of the court which entered the  
23 original order of the discharge or change in status. Upon  
24 receipt of such notice, the clerk of the court shall note the  
25 action taken in the court record. If the person being

1 discharged is a person under legal disability, the facility  
2 director shall also submit a certificate regarding his legal  
3 status without disability pursuant to Section 3-907.

4 (d) When the facility director determines that discharge is  
5 appropriate for a recipient pursuant to this Section or Section  
6 3-403 he or she shall notify the state's attorney of the county  
7 in which the recipient resided immediately prior to his  
8 admission to a mental health facility and the state's attorney  
9 of the county where the last petition for commitment was filed  
10 at least 48 hours prior to the discharge when either state's  
11 attorney has requested in writing such notification on that  
12 individual recipient or when the facility director regards a  
13 recipient as a continuing threat to the peace and safety of the  
14 community. Upon receipt of such notice, the state's attorney  
15 may take any court action or notify such peace officers that he  
16 deems appropriate. When the facility director determines that  
17 discharge is appropriate for a recipient pursuant to this  
18 Section or Section 3-403, he or she shall notify the person  
19 whose petition pursuant to Section 3-701 resulted in the  
20 current hospitalization of the recipient's discharge at least  
21 48 hours prior to the discharge, if the petitioner has  
22 requested in writing such notification on that individual  
23 recipient.

24 (e) The facility director may grant a temporary release to  
25 a recipient whose condition is not considered appropriate for  
26 discharge where such release is considered to be clinically

1 appropriate, provided that the release does not endanger the  
2 public safety.

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

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.