

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

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

13 (405 ILCS 5/3-811) (from Ch. 91 1/2, par. 3-811)

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

1 the care and custody of a relative or other person willing and
2 able to properly care for him or her. The court shall order the
3 least restrictive alternative for treatment which is
4 appropriate.

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

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

10 (405 ILCS 5/3-902) (from Ch. 91 1/2, par. 3-902)

11 Sec. 3-902. Director initiated discharge.

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

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

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

1 action taken in the court record. If the person being
2 discharged is a person under legal disability, the facility
3 director shall also submit a certificate regarding his legal
4 status without disability pursuant to Section 3-907.

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

25 (e) The facility director may grant a temporary release to
26 a recipient whose condition is not considered appropriate for

1 discharge where such release is considered to be clinically
2 appropriate, provided that the release does not endanger the
3 public safety.

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

5 Section 99. Effective date. This Act takes effect January
6 1, 2010.