

SENATE BILL NO. 64

INTRODUCED BY KEENAN

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT NOTICE OF THE FILING OF PETITIONS FOR CIVIL COMMITMENT OF PERSONS ALLEGED TO SUFFER FROM A MENTAL DISORDER BE GIVEN TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND ANY MENTAL HEALTH FACILITY TO WHICH THE PETITIONS REQUIRE COMMITMENT; AMENDING SECTION 53-21-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-21-121, MCA, is amended to read:

"53-21-121. Petition for commitment -- contents of -- notice of. (1) The county attorney, upon the written request of any person having direct knowledge of the facts, may file a petition with the court alleging that there is a person within the county who is suffering from a mental disorder and who requires commitment pursuant to this chapter.

(2) The petition must contain:

(a) the name and address of the person requesting the petition and the person's interest in the case;

(b) the name of the respondent and, if known, the address, age, sex, marital status, and occupation of the respondent;

(c) the purported facts supporting the allegation of mental disorder, including a report by a mental health professional if any, a statement of the disposition sought pursuant to 53-21-127, and the need for commitment;

(d) the name and address of every person known or believed to be legally responsible for the care, support, and maintenance of the respondent for whom evaluation is sought;

(e) the name and address of the respondent's next of kin to the extent known to the county attorney and the person requesting the petition;

(f) the name and address of any person whom the county attorney believes might be willing and able to be appointed as friend of respondent;

(g) the name, address, and telephone number of the attorney, if any, who has most recently represented the respondent for whom evaluation is sought; if there is no attorney, there must be a statement as to whether

to the best knowledge of the person requesting the petition the respondent for whom evaluation is sought is indigent and unable to afford the services of an attorney; ~~and~~

(h) a statement of the rights of the respondent, which must be in conspicuous print and identified by a suitable heading; AND

(i) THE NAME AND ADDRESS OF THE MENTAL HEALTH FACILITY TO WHICH IT IS PROPOSED THAT THE RESPONDENT MAY BE COMMITTED, IF KNOWN.

(3) Notice of the petition must be hand-delivered to the respondent and to the respondent's counsel on or before the initial appearance of the respondent before the judge or justice of the peace. The respondent's counsel shall meet with the respondent, explain the substance of the petition, and explain the probable course of the proceedings. Notice of the petition and the order setting the date and time of the hearing and the names of the respondent's counsel, professional person, and friend of respondent must be hand-delivered ~~or~~, mailed, OR SENT BY A FACSIMILE TRANSMISSION to the person or persons legally responsible for care, support, and maintenance of the respondent, the next of kin identified in the petition, ~~and~~ any other person identified by the county attorney as a possible friend of respondent other than the one named as the friend of respondent, the director of the department or the director's designee, and the mental health facility to which the respondent may be committed, if known. The notice may provide, other than as to the respondent and the respondent's counsel, that no further notice will be given unless written request is filed with the clerk of court."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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