

FIRST REGULAR SESSION

# SENATE BILL NO. 538

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR FITZWATER.

2051S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 552.050, 630.045, 631.120, 631.135, 631.140, 631.150, 631.165, 632.005, 632.150, 632.155, 632.300, 632.305, 632.310, 632.315, 632.320, 632.325, 632.330, 632.335, 632.340, 632.345, 632.350, 632.355, 632.370, 632.375, 632.385, 632.390, 632.392, 632.395, 632.400, 632.410, 632.415, 632.420, 632.430, 632.440, 632.455, and 633.125, RSMo, and to enact in lieu thereof thirty-five new sections relating to mental health coordinators.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 552.050, 630.045, 631.120, 631.135, 2 631.140, 631.150, 631.165, 632.005, 632.150, 632.155, 632.300, 3 632.305, 632.310, 632.315, 632.320, 632.325, 632.330, 632.335, 4 632.340, 632.345, 632.350, 632.355, 632.370, 632.375, 632.385, 5 632.390, 632.392, 632.395, 632.400, 632.410, 632.415, 632.420, 6 632.430, 632.440, 632.455, and 633.125, RSMo, are repealed and 7 thirty-five new sections enacted in lieu thereof, to be known 8 as sections 552.050, 630.045, 631.120, 631.135, 631.140, 9 631.150, 631.165, 632.005, 632.150, 632.155, 632.305, 632.310, 10 632.315, 632.320, 632.325, 632.330, 632.335, 632.340, 632.345, 11 632.350, 632.355, 632.370, 632.375, 632.385, 632.390, 632.392, 12 632.395, 632.400, 632.410, 632.415, 632.420, 632.430, 632.440, 13 632.455, and 633.125, to read as follows:

552.050. 1. If the chief administrative officer of 2 any correctional facility has reasonable cause to believe 3 that any offender needs care in a mental hospital, he **or she** 4 shall so certify to the division of classification and

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

5 treatment, which shall then transfer the offender to a state  
6 mental hospital for custody, care and treatment. The  
7 hospital may detain and treat the offender for a period of  
8 time not to exceed ninety-six hours. At the expiration of  
9 the ninety-six hours, the offender shall be returned to a  
10 correctional facility designated by the department of  
11 corrections unless the individual admits himself **or herself**  
12 as a voluntary patient [or the mental health coordinator or  
13 head of the facility files for involuntary detention and  
14 treatment pursuant to chapter 632]. The petition filed  
15 pursuant to section 632.330 shall be filed in the court  
16 having probate jurisdiction over the mental health facility  
17 in which the offender is being detained. The offender shall  
18 have the rights afforded respondents in sections 632.330 and  
19 632.335, except that at the conclusion of the hearing on the  
20 petition the court may order the offender detained for a  
21 period of time not to exceed ninety days. At the expiration  
22 of the ninety-day commitment period ordered by the court,  
23 the offender may be detained and treated involuntarily for  
24 up to an additional one year under sections 632.355 and  
25 632.360.

26 2. When an offender needs care in a mental hospital  
27 and is committed or transferred to a state mental hospital,  
28 the time spent at the mental hospital shall be calculated as  
29 a part of the sentence imposed upon him **or her** whether the  
30 sentence is an indeterminate one or for a definite period of  
31 time. The time spent at the mental hospital shall be  
32 deducted from the term of the sentence.

33 3. When an offender who has been transferred from a  
34 correctional facility to a state mental hospital recovers  
35 before the expiration of his **or her** sentence, the  
36 superintendent of the hospital shall so certify in writing

37 to the division of classification and treatment. He **or she**  
38 shall thereupon be transferred to such correctional facility  
39 as the department may direct.

40 4. An offender who has been committed to or  
41 transferred to a state mental hospital and is still mentally  
42 ill at the expiration of his **or her** sentence may be  
43 discharged and delivered to any person who is able and  
44 willing to maintain him **or her** comfortably and to the  
45 satisfaction of the superintendent of the hospital, if, in  
46 the opinion of the superintendent, it is reasonably safe for  
47 the person to be at large. Before discharging the offender  
48 the superintendent shall receive verification of the  
49 expiration of the offender's sentence from the director of  
50 corrections. The person so discharged may, in the  
51 discretion of the superintendent, be provided with the whole  
52 or a portion of the allowances granted to discharged  
53 prisoners by section 217.285. The cost of such allowance  
54 shall be paid from the same funds as are allowances granted  
55 to persons discharged directly from a correctional facility.

56 5. When the term of an offender who has been committed  
57 or transferred to a state mental hospital has expired and  
58 the person, in the opinion of the hospital superintendent,  
59 is still in need of care in a mental hospital and for the  
60 welfare and safety of himself **[and] or herself or** others  
61 should remain in the hospital for custody, care and  
62 treatment, he **or she** shall be retained in the hospital only  
63 if proper involuntary detention proceedings have been  
64 instituted and held as provided in chapter 632. Thereafter  
65 this chapter and no other shall be applicable to his **or her**  
66 continued hospitalization and discharge.

630.045. The director of the department may authorize  
2 such persons**[, including mental health coordinators,]** as are

3 necessary to carry out the civil involuntary detention  
4 requirements of chapter 632.

631.120. 1. A [mental health coordinator,] mental  
2 health professional, peace officer, registered nurse,  
3 licensed physician, or qualified counselor may complete an  
4 application for detention, treatment, or rehabilitation for  
5 up to ninety-six hours under the procedures of section  
6 632.305 for a person presenting an imminent likelihood of  
7 serious harm to himself **or herself** or others as a result of  
8 alcohol or drug abuse, or both.

9 2. If a peace officer has reasonable cause to believe  
10 that unless a person is taken into custody the likelihood of  
11 serious harm is imminent as a result of alcohol or drug  
12 abuse, or both, the officer may take the person into custody  
13 and convey him **or her** to an alcohol or drug abuse facility.  
14 The officer shall complete an application for detention  
15 indicating the facts upon which the belief is based.

631.135. If a respondent is accepted for treatment and  
2 rehabilitation pursuant to this chapter, he **or she** shall be  
3 advised, orally and in writing, of the information contained  
4 in subdivisions (1) to (11) of this section. The  
5 respondent's guardian, if any, and, with the respondent's  
6 consent, a responsible member of the respondent's immediate  
7 family shall be advised if possible, either orally or in  
8 writing, of his **or her** admission to the facility. The  
9 personnel of the alcohol or drug abuse facility to which the  
10 respondent is taken shall advise the respondent that unless  
11 the respondent is released or voluntarily admits himself **or**  
12 **herself** within ninety-six hours of the initial detention:

13 (1) He **or she** may be detained for ninety-six hours  
14 from the time of his **or her** initial detention to receive  
15 treatment and rehabilitation;

16           (2) Within the ninety-six hours, the head of the  
17 alcohol or drug abuse facility [or the mental health  
18 coordinator] may file a petition to have him **or her**  
19 detained, after a court hearing, for an additional period  
20 not to exceed thirty days;

21           (3) He **or she** will be given a judicial hearing within  
22 two judicial days after the day the petition for additional  
23 detention is filed, unless continued for good cause;

24           (4) An attorney has been appointed who will represent  
25 him before and after the hearing and who will be notified as  
26 soon as possible; except that, he **or she** also has the right  
27 to private counsel of his **or her** own choosing and at his **or**  
28 **her** own expense;

29           (5) He **or she** has the right to communicate with  
30 counsel at all reasonable times and to have assistance in  
31 contacting such counsel;

32           (6) Anything he **or she** says to personnel at the  
33 alcohol or drug abuse facility may be used in making a  
34 determination regarding detention, may result in involuntary  
35 detention proceedings being filed concerning him **or her**, and  
36 may be used at the court hearing;

37           (7) He **or she** has the right to present evidence and to  
38 cross-examine witnesses who testify on behalf of the  
39 petitioner at the hearing;

40           (8) During the period prior to being examined by a  
41 licensed physician, he **or she** may refuse medication unless  
42 he presents an imminent likelihood of serious harm to  
43 himself **or herself** or others;

44           (9) He **or she** has the right to refuse medication  
45 except for lifesaving treatment beginning twenty-four hours  
46 prior to the hearing for thirty-day detention;

47           (10) He **or she** has the right to request that the  
48 hearing be held in his **or her** county of residence if he **or**  
49 **she** is a resident of this state;

50           (11) He **or she** has the right to have an interpreter  
51 assist him **or her** to communicate at the facility or during  
52 the hearing, or both, if he **or she** has impaired hearing or  
53 does not speak English.

          631.140. 1. At the expiration of the ninety-six-hour  
2 period, the respondent may be detained and treated  
3 involuntarily for an additional two judicial days only if  
4 the head of the alcohol or drug abuse facility [or a mental  
5 health coordinator] has filed a petition for additional  
6 detention not to exceed thirty days.

7           2. Within ninety-six hours following initial  
8 detention, the head of the facility [or the mental health  
9 coordinator] may file, or cause to be filed, a petition for  
10 a thirty-day involuntary detention, treatment, or  
11 rehabilitation period provided he has reasonable cause to  
12 believe that the person abuses alcohol or drugs and presents  
13 a likelihood of serious harm to himself **or herself** or others  
14 as a result of alcohol or drug abuse, or both. The court  
15 shall serve the petition and list of prospective witnesses  
16 for the petitioner upon the respondent and his **or her**  
17 attorney at least twenty-four hours before the hearing.  
18 [The head of the facility shall also notify the mental  
19 health coordinator if the petition is not filed by the  
20 mental health coordinator.] The petition shall:

21           (1) Allege that the respondent, by reason of alcohol  
22 or drug abuse, or both, presents a likelihood of serious  
23 harm to himself **or herself** or to others;

24           (2) Allege that the respondent is in need of continued  
25 detention, treatment, and rehabilitation;

26           (3) Allege the specific behavior of the respondent or  
27 the facts which support such conclusion;

28           (4) Allege that an alcohol or drug abuse facility  
29 which is appropriate to handle the respondent's condition  
30 has agreed to accept the respondent; and

31           (5) Be signed by a licensed physician who has examined  
32 the respondent.

          631.150. 1. Before the expiration of the thirty-day  
2 period of detention, treatment, and rehabilitation ordered  
3 pursuant to section 631.145, the court may order the  
4 respondent to be detained for treatment and rehabilitation  
5 for an additional period not to exceed ninety days; provided  
6 that:

7           (1) The respondent, as the result of alcohol or drug  
8 abuse, or both, continues to present a likelihood of serious  
9 harm to himself **or herself** or to others; and

10           (2) The court, after a hearing, orders the respondent  
11 detained for treatment and rehabilitation for the additional  
12 period.

13           2. If, within twenty-five days of the court hearing  
14 described in section 631.145, the head of the alcohol or  
15 drug abuse facility [or the mental health coordinator] has  
16 reasonable cause to believe that the respondent, as the  
17 result of alcohol or drug abuse, or both, presents a  
18 likelihood of serious harm to himself **or herself** or others,  
19 and believes that further detention and treatment is  
20 necessary, he **or she** shall file, or cause to be filed, with  
21 the court a petition for ninety days additional detention,  
22 treatment, and rehabilitation. The court shall immediately  
23 set a date and time for a hearing on the petition, which  
24 shall take place within four judicial days of the date of  
25 the filing of the petition. The court shall serve a copy of

26 the petition and the notice of the date and time of the  
27 hearing upon the petitioner, the respondent, and their  
28 attorneys as promptly as possible, but not later than two  
29 judicial days after the filing of the petition. The  
30 petitioner shall also file with the court, for the court to  
31 serve upon the respondent's attorney not later than two days  
32 after the filing of the petition, a list of the proposed  
33 witnesses for the petitioner. [The head of the alcohol or  
34 drug abuse facility shall notify the mental health  
35 coordinator if the petition is not filed by the mental  
36 health coordinator.] The petition shall comply with the  
37 requirements of section 631.140, and an individualized  
38 treatment and rehabilitation plan for the respondent shall  
39 be attached thereto.

631.165. If the head of the alcohol or drug abuse  
2 facility finds that a person who is detained for treatment  
3 and rehabilitation is presenting a likelihood of serious  
4 harm as a result of mental disorder other than alcohol or  
5 drug abuse, or both, the head of the facility shall arrange  
6 for the transfer of the person to a mental health facility  
7 through [a mental health coordinator, or through] a licensed  
8 physician, registered professional nurse, qualified  
9 counselor or mental health professional designated by the  
10 mental health facility. The person may be detained for up  
11 to ninety-six hours for evaluation and treatment, under the  
12 procedures of sections 632.310, 632.315, 632.320 and  
13 632.325, before filing a petition for further detention  
14 under sections 632.330 and 632.335.

632.005. As used in chapter 631 and this chapter,  
2 unless the context clearly requires otherwise, the following  
3 terms shall mean:



4           (1) "Comprehensive psychiatric services", any one, or  
5 any combination of two or more, of the following services to  
6 persons affected by mental disorders other than intellectual  
7 disabilities or developmental disabilities: inpatient,  
8 outpatient, day program or other partial hospitalization,  
9 emergency, diagnostic, treatment, liaison, follow-up,  
10 consultation, education, rehabilitation, prevention,  
11 screening, transitional living, medical prevention and  
12 treatment for alcohol abuse, and medical prevention and  
13 treatment for drug abuse;

14           (2) "Council", the Missouri advisory council for  
15 comprehensive psychiatric services;

16           (3) "Court", the court which has jurisdiction over the  
17 respondent or patient;

18           (4) "Division", the division of comprehensive  
19 psychiatric services of the department of mental health;

20           (5) "Division director", director of the division of  
21 comprehensive psychiatric services of the department of  
22 mental health, or his designee;

23           (6) "Head of mental health facility", superintendent  
24 or other chief administrative officer of a mental health  
25 facility, or his **or her** designee;

26           (7) "Judicial day", any Monday, Tuesday, Wednesday,  
27 Thursday or Friday when the court is open for business, but  
28 excluding Saturdays, Sundays and legal holidays;

29           (8) "Licensed physician", a physician licensed  
30 pursuant to the provisions of chapter 334 or a person  
31 authorized to practice medicine in this state pursuant to  
32 the provisions of section 334.150;

33           (9) "Licensed professional counselor", a person  
34 licensed as a professional counselor under chapter 337 and  
35 with a minimum of one year training or experience in

36 providing psychiatric care, treatment, or services in a  
37 psychiatric setting to individuals suffering from a mental  
38 disorder;

39 (10) "Likelihood of serious harm" means any one or  
40 more of the following but does not require actual physical  
41 injury to have occurred:

42 (a) A substantial risk that serious physical harm will  
43 be inflicted by a person upon his own person, as evidenced  
44 by recent threats, including verbal threats, or attempts to  
45 commit suicide or inflict physical harm on himself **or**  
46 **herself**. Evidence of substantial risk may also include  
47 information about patterns of behavior that historically  
48 have resulted in serious harm previously being inflicted by  
49 a person upon himself **or herself**;

50 (b) A substantial risk that serious physical harm to a  
51 person will result or is occurring because of an impairment  
52 in his **or her** capacity to make decisions with respect to his  
53 **or her** hospitalization and need for treatment as evidenced  
54 by his **or her** current mental disorder or mental illness  
55 which results in an inability to provide for his **or her** own  
56 basic necessities of food, clothing, shelter, safety or  
57 medical care or his **or her** inability to provide for his **or**  
58 **her** own mental health care which may result in a substantial  
59 risk of serious physical harm. Evidence of that substantial  
60 risk may also include information about patterns of behavior  
61 that historically have resulted in serious harm to the  
62 person previously taking place because of a mental disorder  
63 or mental illness which resulted in his **or her** inability to  
64 provide for his **or her** basic necessities of food, clothing,  
65 shelter, safety or medical or mental health care; or

66 (c) A substantial risk that serious physical harm will  
67 be inflicted by a person upon another as evidenced by recent

overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm. Evidence of that substantial risk may also include information about patterns of behavior that historically have resulted in physical harm previously being inflicted by a person upon another person;

(11) ["Mental health coordinator", a mental health professional who has knowledge of the laws relating to hospital admissions and civil commitment and who is authorized by the director of the department, or his designee, to serve a designated geographic area or mental health facility and who has the powers, duties and responsibilities provided in this chapter;

(12)] "Mental health facility", any residential facility, public or private, or any public or private hospital, which can provide evaluation, treatment and, inpatient care to persons suffering from a mental disorder or mental illness and which is recognized as such by the department or any outpatient treatment program certified by the department of mental health. No correctional institution or facility, jail, regional center or developmental disability facility shall be a mental health facility within the meaning of this chapter;

[(13)] (12) "Mental health professional", a psychiatrist, resident in psychiatry, psychiatric physician assistant, psychiatric assistant physician, psychiatric advanced practice registered nurse, psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;

[(14)] (13) "Mental health program", any public or private residential facility, public or private hospital,

public or private specialized service or public or private day program that can provide care, treatment, rehabilitation or services, either through its own staff or through contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by the department. No correctional institution or facility or jail may be a mental health program within the meaning of this chapter;

**[(15)] (14)** "Ninety-six hours" shall be construed and computed to exclude Saturdays, Sundays and legal holidays which are observed either by the court or by the mental health facility where the respondent is detained;

**[(16)] (15)** "Peace officer", a sheriff, deputy sheriff, county or municipal police officer or highway patrolman;

**[(17)] (16)** "Psychiatric advanced practice registered nurse", a registered nurse who is currently recognized by the board of nursing as an advanced practice registered nurse, who has at least two years of experience in providing psychiatric treatment to individuals suffering from mental disorders;

**[(18)] (17)** "Psychiatric assistant physician", a licensed assistant physician under chapter 334 and who has had at least two years of experience as an assistant physician in providing psychiatric treatment to individuals suffering from mental health disorders;

**[(19)] (18)** "Psychiatric nurse", a registered professional nurse who is licensed under chapter 335 and who has had at least two years of experience as a registered professional nurse in providing psychiatric nursing treatment to individuals suffering from mental disorders;

132           [(20)] (19) "Psychiatric physician assistant", a  
133   licensed physician assistant under chapter 334 and who has  
134   had at least two years of experience as a physician  
135   assistant in providing psychiatric treatment to individuals  
136   suffering from mental health disorders or a graduate of a  
137   postgraduate residency or fellowship for physician  
138   assistants in psychiatry;

139           [(21)] (20) "Psychiatric social worker", a person with  
140   a master's or further advanced degree from an accredited  
141   school of social work, practicing pursuant to chapter 337,  
142   and with a minimum of one year training or experience in  
143   providing psychiatric care, treatment or services in a  
144   psychiatric setting to individuals suffering from a mental  
145   disorder;

146           [(22)] (21) "Psychiatrist", a licensed physician who  
147   in addition has successfully completed a training program in  
148   psychiatry approved by the American Medical Association, the  
149   American Osteopathic Association or other training program  
150   certified as equivalent by the department;

151           [(23)] (22) "Psychologist", a person licensed to  
152   practice psychology under chapter 337 with a minimum of one  
153   year training or experience in providing treatment or  
154   services to mentally disordered or mentally ill individuals;

155           [(24)] (23) "Resident in psychiatry", a licensed  
156   physician who is in a training program in psychiatry  
157   approved by the American Medical Association, the American  
158   Osteopathic Association or other training program certified  
159   as equivalent by the department;

160           [(25)] (24) "Respondent", an individual against whom  
161   involuntary civil detention proceedings are instituted  
162   pursuant to this chapter;

163           [(26)] (25) "Treatment", any effort to accomplish a  
164 significant change in the mental or emotional conditions or  
165 the behavior of the patient consistent with generally  
166 recognized principles or standards in the mental health  
167 professions.

          632.150. 1. A voluntary patient who has applied for  
2 his **or her** own admission may request his **or her** release  
3 either orally or in writing to the head of the mental health  
4 facility and shall be released immediately; except, that if  
5 the head of the facility determines that he **or she** is  
6 mentally disordered and, as a result, presents a likelihood  
7 of serious physical harm to himself **or herself** or others,  
8 the head of the facility may refuse the request for release.

9           2. If the request for release is refused, the mental  
10 health facility may detain the person only if [a mental  
11 health coordinator,] a licensed physician, a registered  
12 professional nurse designated by the facility and approved  
13 by the department, a mental health professional or a peace  
14 officer completes an application for detention for  
15 evaluation and treatment to begin the involuntary detention  
16 of the patient under this chapter.

          632.155. 1. A voluntary patient who is a minor and  
2 who requests his **or her** release either orally or in writing,  
3 or whose release is requested in writing to the head of the  
4 facility by his **or her** parent, spouse, adult next of kin, or  
5 person entitled to his **or her** custody, shall be released  
6 immediately; except, that if the patient was admitted on the  
7 application of another person, his **or her** release shall be  
8 conditioned upon receiving the consent of the person  
9 applying for his **or her** admission.

10           2. If the head of the mental health facility  
11 determines that the minor is mentally disordered and, as a

12 result, presents a likelihood of serious physical harm to  
13 himself **or herself** or others, the head of the facility may  
14 refuse the release. The mental health facility may detain  
15 the minor only if a [mental health coordinator, a] licensed  
16 physician, a mental health professional or a registered  
17 professional nurse designated by the facility and approved  
18 by the department completes an application for detention for  
19 evaluation and treatment to begin the involuntary detention  
20 of the minor under this chapter or, if appropriate, the  
21 minor is detained in the facility under the provisions of  
22 chapter 211.

632.305. 1. An application for detention for  
2 evaluation and treatment **at a mental health facility** may be  
3 executed by any adult person, who need not be an attorney or  
4 represented by an attorney, [including the mental health  
5 coordinator,] on a form provided by the court for such  
6 purpose, and shall allege under oath, without a notarization  
7 requirement, that the applicant has reason to believe that  
8 the respondent is suffering from a mental disorder and  
9 presents a likelihood of serious harm to himself or herself  
10 or to others. The application shall specify the factual  
11 information on which such belief is based and should contain  
12 the names and addresses of all persons known to the  
13 applicant who have knowledge of such facts through personal  
14 observation.

15 2. The filing of a written application in court by any  
16 adult person, who need not be an attorney or represented by  
17 an attorney, [including the mental health coordinator,]  
18 shall authorize the applicant to bring the matter before the  
19 court on an ex parte basis to determine whether the  
20 respondent should be taken into custody and transported to a  
21 mental health facility. The application may be filed in the

22 court having probate jurisdiction in any county where the  
23 respondent may be found. If the court finds that there is  
24 probable cause, either upon testimony under oath or upon a  
25 review of affidavits, to believe that the respondent may be  
26 suffering from a mental disorder and presents a likelihood  
27 of serious harm to himself or herself or others, it shall  
28 direct a peace officer to take the respondent into custody  
29 and transport him or her to a mental health facility for  
30 detention for evaluation and treatment for a period not to  
31 exceed ninety-six hours unless further detention and  
32 treatment is authorized pursuant to this chapter. Nothing  
33 herein shall be construed to prohibit the court, in the  
34 exercise of its discretion, from giving the respondent an  
35 opportunity to be heard.

36 3. A [mental health coordinator may request a peace  
37 officer to take or a] peace officer may take a person into  
38 custody for detention for evaluation and treatment **at a**  
39 **mental health facility** for a period not to exceed ninety-six  
40 hours only when such [mental health coordinator or] peace  
41 officer has reasonable cause to believe that such person is  
42 suffering from a mental disorder and that the likelihood of  
43 serious harm by such person to himself or herself or others  
44 is imminent unless such person is immediately taken into  
45 custody. Upon arrival at the mental health facility, the  
46 peace officer [or mental health coordinator] who conveyed  
47 such person or caused him or her to be conveyed shall either  
48 present the application for detention for evaluation and  
49 treatment upon which the court has issued a finding of  
50 probable cause and the respondent was taken into custody or  
51 complete an application for initial detention for evaluation  
52 and treatment for a period not to exceed ninety-six hours  
53 which shall be based upon his or her own personal



54 observations or investigations and shall contain the  
55 information required in subsection 1 of this section.

56 4. If a person presents himself or herself or is  
57 presented by others to a mental health facility and a  
58 licensed physician, a registered professional nurse or a  
59 mental health professional designated by the head of the  
60 facility and approved by the department for such purpose has  
61 reasonable cause to believe that the person is mentally  
62 disordered and presents an imminent likelihood of serious  
63 harm to himself or herself or others unless he or she is  
64 accepted for detention, the licensed physician, the mental  
65 health professional or the registered professional nurse  
66 designated by the facility and approved by the department  
67 may complete an application for detention for evaluation and  
68 treatment for a period not to exceed ninety-six hours. The  
69 application shall be based on his or her own personal  
70 observations or investigation and shall contain the  
71 information required in subsection 1 of this section.

72 5. Any oath required by the provisions of this section  
73 shall be subject to the provisions of section 492.060.

632.310. 1. Whenever a court has authorized the  
2 initial detention and evaluation of a respondent pursuant to  
3 subsection 2 of section 632.305, [or whenever a mental  
4 health coordinator submits an application for initial  
5 detention and evaluation pursuant to subsection 3 of section  
6 632.305,] or whenever a licensed physician, a registered  
7 professional nurse designated by the facility and approved  
8 by the department, or a mental health professional submits  
9 an application for initial detention and evaluation pursuant  
10 to subsection 4 of section 632.305, a public mental health  
11 facility shall, and a private mental health facility may  
12 immediately accept such application and the respondent on a

13 provisional basis, and the facility shall then evaluate the  
14 respondent's condition and admit him **or her** for treatment or  
15 release him **or her** in accordance with the provisions of this  
16 chapter.

17       2. Whenever a peace officer applies for initial  
18 detention and evaluation pursuant to subsection 3 of section  
19 632.305, the mental health facility may, but is not required  
20 to, accept the application and the respondent. If the  
21 facility accepts the application and the respondent, the  
22 facility shall evaluate the respondent's condition and admit  
23 him **or her** for treatment or release him **or her** in accordance  
24 with the provisions of this chapter.

25       3. If the respondent is not accepted for admission by  
26 a facility providing ninety-six-hour evaluation and  
27 treatment, the facility shall immediately furnish  
28 transportation, if not otherwise available, to return the  
29 respondent to his **or her** place of residence or other  
30 appropriate place; provided, that in the case of a person  
31 transported to the facility by a peace officer or other  
32 governmental agency, such peace officer or agency shall  
33 furnish or arrange for such transportation.

34       4. The department may require, pursuant to an  
35 affiliation agreement and contract with a community-based  
36 service certified by the department to serve the catchment  
37 area where a respondent whose mental disorder consists of  
38 alcohol or drug abuse resides, that the service immediately  
39 accept the application and respondent engaging in alcohol or  
40 drug abuse on a provisional basis and that the service then  
41 evaluate such respondent's condition and admit him **or her**  
42 for treatment for up to ninety-six hours, petition for  
43 further detention and treatment, or release him **or her** in  
44 accordance with the provisions of chapter 631.

632.315. Any mental health facility accepting a  
2 respondent pursuant to section 632.310 shall be furnished a  
3 copy of the application for initial detention and  
4 evaluation. If a person is involuntarily detained in a  
5 mental health facility pursuant to section 632.310, no later  
6 than twenty-four hours after his **or her** arrival, excluding  
7 Saturdays, Sundays and legal holidays, the head of the  
8 mental health facility [or the mental health coordinator]  
9 shall file with the court the application, a copy of the  
10 notice required by section 632.325 and proof that the notice  
11 was given. The person's designated attorney shall receive a  
12 copy of all documents. [The head of the mental health  
13 facility shall send copies of all completed applications,  
14 whether accepted for admission or not, to the designated  
15 mental health coordinator for the region.]

632.320. 1. Within three hours of the time at which  
2 the respondent arrives at a mental health facility he **or she**  
3 shall:

4 (1) Be seen by a mental health professional or  
5 registered professional nurse; and

6 (2) Be given a copy of the application for initial  
7 detention and evaluation, a notice of rights pursuant to  
8 section 632.325 and a notice giving the name, business  
9 address and telephone number of the attorney appointed to  
10 represent him **or her**; and

11 (3) Be provided assistance in contacting the appointed  
12 attorney or an attorney of his **or her** own choosing, if so  
13 requested.

14 2. Within eighteen hours after the respondent arrives  
15 at the mental health facility, he **or she** shall be examined  
16 by a licensed physician.

17           3. Within [four days] **forty-eight hours** after the  
18 respondent arrives at the mental health facility, unless  
19 sooner released, [the mental health coordinator] **designated**  
20 **staff at the mental health facility** shall meet with the  
21 respondent and explain his **or her** statutory rights under  
22 this chapter.

          632.325. If the respondent is accepted for evaluation  
2 or for evaluation and treatment pursuant to this chapter, he  
3 **or she** shall be advised, orally and in writing, of the  
4 information contained in subdivisions (1) through (11) of  
5 this section. The respondent's guardian and, if possible  
6 and the respondent consents, a responsible member of his **or**  
7 **her** immediate family shall be advised, within eight hours  
8 either orally or in writing, of the information contained in  
9 subdivisions (1) through (11) of this section. The  
10 personnel of the mental health facility to which the  
11 respondent is taken [or the mental health coordinator] shall  
12 advise the aforementioned individuals that unless the  
13 respondent is released or voluntarily admits himself **or**  
14 **herself** within ninety-six hours of the initial detention:

15           (1) He **or she** may be detained for ninety-six hours  
16 from the time of his **or her** initial detention to be  
17 evaluated and treated;

18           (2) Within the ninety-six hours, the head of the  
19 mental health facility [or the mental health coordinator]  
20 may file a petition to have him **or her** detained for an  
21 additional period not to exceed twenty-one days, after a  
22 court hearing;

23           (3) He **or she** will be given a judicial hearing within  
24 two judicial days after the day the petition for additional  
25 detention is filed;

26           (4) An attorney has been appointed who will represent  
27 him **or her** before and after the hearing and who will be  
28 notified as soon as possible; provided, however, that he **or**  
29 **she** also has the right to private counsel of his **or her** own  
30 choosing and at his **or her** own expense;

31           (5) He **or she** has the right to communicate with  
32 counsel at all reasonable times and to have assistance in  
33 contacting such counsel;

34           (6) The purpose of the evaluation is to determine  
35 whether he **or she** meets the criteria for civil detention  
36 under this chapter and that anything he **or she** says to  
37 personnel at the mental health facility may be used in  
38 making that determination, may result in involuntary  
39 detention proceedings being filed against him **or her** and may  
40 be used at the court hearing;

41           (7) He **or she** has the right to present evidence and to  
42 cross-examine witnesses who testify against him **or her** at  
43 the hearing;

44           (8) During the period prior to being examined by a  
45 licensed physician, he **or she** may refuse medication unless  
46 he **or she** presents an imminent likelihood of serious  
47 physical injury to himself **or herself** or others;

48           (9) He **or she** has the right to refuse medication  
49 except for lifesaving treatment beginning twenty-four hours  
50 prior to the hearing for twenty-one-day detention;

51           (10) He **or she** has the right to request that the  
52 hearing be held in his **or her** county of residence if he **or**  
53 **she** is a resident of this state;

54           (11) He **or she** has the right to have an interpreter  
55 assist him **or her** to communicate, at the facility or during  
56 the hearing, or both, if he **or she** has impaired hearing or  
57 does not speak English.

632.330. 1. At the expiration of the ninety-six hour  
2 period, the respondent may be detained and treated  
3 involuntarily for an additional two judicial days only if  
4 the head of the mental health facility [or a mental health  
5 coordinator] either has filed a petition for additional  
6 inpatient detention and treatment not to exceed twenty-one  
7 days or has filed a petition for outpatient detention and  
8 treatment for a period not to exceed one hundred eighty days.

9 2. Within ninety-six hours following initial  
10 detention, the head of the facility [or the mental health  
11 coordinator] may file or cause to be filed either a petition  
12 for a twenty-one-day inpatient involuntary detention and  
13 treatment period or a petition for outpatient detention and  
14 treatment for a period not to exceed one hundred eighty  
15 days, provided he **or she** has reasonable cause to believe  
16 that the person is mentally ill and as a result presents a  
17 likelihood of serious harm to himself or others. The court  
18 shall serve the petition and list of prospective witnesses  
19 for the petitioner upon the respondent and his **or her**  
20 attorney at least twenty-four hours before the hearing.  
21 [The head of the facility shall also notify the mental  
22 health coordinator if the petition is not filed by the  
23 mental health coordinator.] The petition shall:

24 (1) Allege that the respondent, by reason of mental  
25 illness, presents a likelihood of serious harm to himself **or**  
26 **herself** or to others;

27 (2) Allege that the respondent is in need of continued  
28 detention and treatment either on an inpatient basis or on  
29 an outpatient basis;

30 (3) Allege the specific behavior of the respondent or  
31 the facts which support such conclusion;

(4) Affirm that attempts were made to provide necessary care, treatment and services in the least restrictive environment to the respondent on a voluntary basis, but either the petitioner believes that the respondent lacks the capacity to voluntarily consent to care, treatment and services or the respondent refuses to voluntarily consent to care, treatment and services such that proceeding with a petition for the respondent's civil detention in the least restrictive environment is necessary;

(5) Allege that there will be appropriate support from family, friends, case managers or others during the period of outpatient detention and treatment in the community if such commitment is sought;

(6) Specify the mental health program that is appropriate to handle the respondent's condition and that has agreed to accept the respondent;

(7) Specify the range of care, treatment and services that shall be provided to the respondent if the petition for further detention is sustained by the court;

(8) Name the entities that have agreed to fund and provide the specified interventions; and

(9) Be verified by a psychiatrist or by a licensed physician and a mental health professional who have examined the respondent.

3. The petitioner shall consider whether based on the respondent's condition and treatment history, the respondent meets the criteria in chapter 475, so that appointment of a full or limited guardian or conservator is appropriate for the court to consider, and if deemed so, the petitioner then shall proceed as specified in subsection 4 of this section.

4. If the head of the mental health facility, or his **or her** designee, [or the mental health coordinator] believes

64 that the respondent, because of a mental illness or mental  
65 disorder, may be incapacitated or disabled as defined in  
66 chapter 475, the head of the mental health facility [or  
67 mental health coordinator] shall cause a petition to be  
68 filed pursuant to section 475.060 and section 475.061, if  
69 applicable, with the court having probate jurisdiction as  
70 determined by section 475.035. In addition, if the head of  
71 the mental health facility, **or his or her** designee [or the  
72 mental health coordinator] believes it appropriate, he **or**  
73 **she** shall proceed with obtaining an order for the  
74 respondent's temporary emergency detention as provided for  
75 in section 475.355. Furthermore, the hearing on the  
76 petition filed pursuant to chapter 475 shall be conducted  
77 pursuant to the requirements of section 475.075 and other  
78 appropriate sections of chapter 475, and shall be held  
79 within two judicial days after termination of the ninety-six-  
80 hour civil detention period unless continued for good cause  
81 shown. Nothing contained in this subsection shall restrict  
82 or prohibit the head of the mental health facility, **or his**  
83 **or her** designee [or the mental health coordinator] from  
84 proceeding under the appropriate provisions of this chapter  
85 if the petition for guardianship or conservatorship is  
86 denied.

632.335. 1. The petition for additional inpatient  
2 detention and treatment not to exceed twenty-one days or the  
3 petition for outpatient detention and treatment not to  
4 exceed one hundred eighty days shall be filed with the court  
5 having probate jurisdiction. At the time of filing the  
6 petition, the court clerk shall set a date and time for the  
7 hearing which shall take place within two judicial days of  
8 the filing of the petition. The clerk shall promptly notify  
9 the respondent, his **or her** attorney, the petitioner and the



petitioner's attorney of the date and time for the hearing. The court shall not grant continuances except upon a showing of good and sufficient cause. If a continuance is granted, the court, in its discretion, may order the person released pending the hearing upon conditions prescribed by the court. The court may order the continued detention and treatment of the person at a mental health facility pending the continued hearing, and a copy of such order shall be furnished to the facility.

2. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure and in a physical setting not likely to have a harmful effect on the respondent. Due consideration shall be given by the court to holding a hearing at the mental health facility. The respondent shall have the following rights in addition to those specified elsewhere:

- (1) To be represented by an attorney;
- (2) To present evidence on his **or her** own behalf;
- (3) To cross-examine witnesses who testify against him **or her**;
- (4) To remain silent;
- (5) To view and copy all petitions and reports in the court file of his **or her** case;
- (6) To have the hearing open or closed to the public as he **or she** elects;
- (7) To be proceeded against according to the rules of evidence applicable to civil judicial proceedings;
- (8) A hearing before a jury if requested by the patient or his **or her** attorney.

3. The respondent shall be present at the hearing, unless the respondent's physical condition is such that he **or she** cannot be present in the courtroom or if the court

determines that the respondent's conduct in the courtroom is so disruptive that the proceedings cannot reasonably continue.

4. At the conclusion of the hearing, if the court finds, based upon clear and convincing evidence, that respondent, as the result of mental illness, presents a likelihood of serious harm to himself **or herself** or to others, and that a mental health program appropriate to handle the respondent's condition has agreed to accept him, the court shall order either that the respondent be detained for inpatient involuntary treatment in the least restrictive environment for a period not to exceed twenty-one days or be detained for outpatient detention and treatment under the supervision of a mental health program in the least restrictive environment for a period not to exceed one hundred eighty days.

632.340. 1. Before the expiration of the twenty-one-day inpatient detention and treatment period ordered pursuant to section 632.335, the court may order the respondent to be detained and treated involuntarily for an additional period not to exceed ninety inpatient days or may order the respondent to be detained for outpatient detention and treatment for a period not to exceed one hundred eighty days; provided, that:

(1) The respondent is mentally ill and continues to present a likelihood of serious harm to himself **or herself** or others; and

(2) The court, after a hearing, orders the respondent detained and treated for the additional period.

2. If, within seventeen days of the court hearing described in section 632.335, the head of the mental health program [or the mental health coordinator] has reasonable

17 cause to believe that the respondent is mentally ill and as  
18 a result presents a likelihood of serious harm to himself **or**  
19 **herself** or others, and believes that further detention and  
20 treatment is necessary, he **or she** shall file, or cause to be  
21 filed, with the court a petition for ninety days additional  
22 detention and treatment or a petition for outpatient  
23 detention and treatment for a period not to exceed one  
24 hundred eighty days. The court shall immediately set a date  
25 and time for a hearing on the petition, which shall take  
26 place within four judicial days of the date of the filing of  
27 the petition. The court shall serve a copy of the petition  
28 and the notice of the date and time of the hearing upon the  
29 petitioner, the respondent, and their attorneys as promptly  
30 as possible, but not later than two judicial days after the  
31 filing of the petition. The petitioner shall also file with  
32 the court, for the court to serve upon the respondent's  
33 attorney not later than two judicial days after the filing  
34 of the petition, a list of the proposed witnesses for the  
35 petitioner. [The head of the mental health program shall  
36 notify the mental health coordinator if the petition is not  
37 filed by the mental health coordinator.] The petition shall  
38 comply with the requirements of section 632.330, and an  
39 individualized treatment plan for the respondent shall be  
40 attached thereto.

632.345. 1. If requested by the respondent, the court  
2 shall appoint an available licensed physician or licensed  
3 psychologist to examine him **or her** and testify at the  
4 respondent's request. If the respondent or his **or her**  
5 counsel so request, the court shall not appoint a physician  
6 or licensed psychologist who is on the staff of the program  
7 wherein the person is detained, and if the respondent is  
8 detained in a program operated by the department and

9     respondent or his **or her** counsel so request, the court shall  
10    not appoint a physician or licensed psychologist who is an  
11    employee of the department.

12           2.   The court may grant continuances but shall do so  
13    only upon a showing of good and sufficient cause.

14           3.   The respondent shall continue to be detained and  
15    treated pending the hearing unless released by order of the  
16    court.  If a continuance is granted, the court, in its  
17    discretion, may order respondent released upon conditions  
18    described by the court pending the hearing.  If no order has  
19    been made within thirty days after the filing of the  
20    petition, not including extensions of time requested by the  
21    respondent and granted, the respondent shall be released.

632.350.  1.   The hearing for a ninety-day inpatient  
2    detention and treatment period or for outpatient detention  
3    and treatment for a period not to exceed one hundred eighty  
4    days shall be conducted in as informal a manner as may be  
5    consistent with orderly procedure and in a physical setting  
6    not likely to have a harmful effect on the mental health of  
7    the respondent.  If a jury trial is not requested, due  
8    consideration shall be given by the court to holding a  
9    hearing at the mental health program.  The hearing shall be  
10   held in accordance with the provisions set forth in section  
11   632.335.

12           2.   The burden of proof at the hearing shall be by  
13    clear and convincing evidence and shall be upon the  
14    petitioner.

15           3.   If the matter is tried before a jury, the jury  
16    shall determine and shall be instructed only upon the issues  
17    of whether or not the respondent is mentally ill and, as a  
18    result, presents a likelihood of serious harm to himself **or**

19 **herself** or others. The remaining procedures for the jury  
20 trial shall be as in other civil matters.

21 4. The respondent shall not be required to file an  
22 answer or other responsive pleading.

23 5. At the conclusion of the hearing, if the court or  
24 jury finds that the respondent, as the result of mental  
25 illness, presents a likelihood of serious harm to himself **or**  
26 **herself** or to others, and the court finds that a program  
27 appropriate to handle the respondent's condition has agreed  
28 to accept him, the court shall order the respondent to be  
29 detained for involuntary treatment in the least restrictive  
30 environment for a period not to exceed ninety days or for  
31 outpatient detention and treatment under the supervision of  
32 a mental health program in the least restrictive environment  
33 for a period not to exceed one hundred eighty days.

632.355. 1. At the expiration of the ninety-day  
2 inpatient commitment period ordered by the court pursuant to  
3 section 632.350, the respondent may be detained and treated  
4 as an involuntarily inpatient for an additional period of  
5 time not to exceed one year or such lesser period of time as  
6 determined by the court or may be detained for outpatient  
7 detention and treatment for a period of time not to exceed  
8 one hundred eighty days; provided, that:

9 (1) The respondent is mentally ill and continues to  
10 present a likelihood of serious harm to himself or to  
11 others; and

12 (2) The court after a hearing orders the person  
13 detained and treated for the additional period.

14 2. Within the ninety-day commitment period, the head  
15 of the mental health program [or the mental health  
16 coordinator] may file or cause to be filed, in compliance  
17 with the requirements of section 632.330, a petition for a

18 one-year inpatient detention and treatment period or a  
19 petition for outpatient detention and treatment for a period  
20 not to exceed one hundred eighty days if he **or she** has  
21 reasonable cause to believe that the respondent is mentally  
22 ill and as a result presents a likelihood of serious harm to  
23 himself or others, and that further detention and treatment  
24 is necessary pursuant to an individualized treatment plan  
25 prepared by the program and filed with the court.  
26 Procedures specified in sections 632.340, 632.345 and  
27 632.350 shall be followed.

28 3. At the conclusion of the hearing, if the court or  
29 jury finds that the respondent, as the result of mental  
30 illness, presents a likelihood of serious harm to himself **or**  
31 **herself** or others, and the court finds that a program  
32 appropriate to handle the respondent's condition has agreed  
33 to accept him **or her**, the court shall order that the  
34 respondent be detained for involuntary treatment in the  
35 least restrictive environment for a period not to exceed one  
36 year or for outpatient detention and treatment under the  
37 supervision of a mental health program in the least  
38 restrictive environment for a period not to exceed one  
39 hundred eighty days.

632.370. 1. The department may transfer, or authorize  
2 the transfer of, an involuntary patient detained under this  
3 chapter, chapter 211, chapter 475, or chapter 552 from one  
4 mental health program to another if the department  
5 determines that it would be consistent with the medical  
6 needs of the patient to do so. If a minor is transferred  
7 from a ward for minors to an adult ward, the department  
8 shall conduct a due process hearing within six days of such  
9 transfer during which hearing the head of the program shall  
10 have the burden to show that the transfer is appropriate for

11 the medical needs of the minor. Whenever a patient is  
12 transferred, written notice thereof shall be given after  
13 obtaining the consent of the patient, his **or her** parent if  
14 he **or she** is a minor or his **or her** legal guardian to his **or**  
15 **her** legal guardian, parents and spouse, or, if none be  
16 known, his **or her** nearest known relative or friend. In all  
17 such transfers, due consideration shall be given to the  
18 relationship of the patient to his **or her** family, legal  
19 guardian or friends, so as to maintain relationships and  
20 encourage visits beneficial to the patient. The head of the  
21 mental health program shall notify the court ordering  
22 detention or commitment, the patient's last known attorney  
23 of record [and the mental health coordinator for the  
24 region], and if the person was committed pursuant to chapter  
25 552, to the prosecuting attorney of the jurisdiction where  
26 the person was tried and acquitted, of any transfer from one  
27 mental health facility to another. The prosecutor of the  
28 jurisdiction where the person was tried and acquitted shall  
29 use their best efforts to notify the victims of dangerous  
30 felonies. Notification by the appropriate person or agency  
31 by certified mail to the most current address provided by  
32 the victim shall constitute compliance with the victim  
33 notification requirement of this section. In the case of a  
34 patient committed under chapter 211, the court, on its own  
35 motion, may hold a hearing on the transfer to determine  
36 whether such transfer is appropriate to the medical needs of  
37 the patient.

38 2. Upon receipt of a certificate of an agency of the  
39 United States that facilities are available for the care or  
40 treatment of any individual heretofore ordered involuntarily  
41 detained, treated and evaluated pursuant to this chapter in  
42 any facility for the care or treatment of persons with a

43 mental illness or an intellectual disability or a  
44 developmental disability and that such individual is  
45 eligible for care or treatment in a hospital or institution  
46 of such agency, the department may cause his **or her** transfer  
47 to such agency of the United States for hospitalization.  
48 Upon effecting any such transfer, the court ordering  
49 hospitalization, the legal guardian, spouse and parents, or,  
50 if none be known, his nearest known relative or friend shall  
51 be notified thereof immediately by the department. No  
52 person shall be transferred to an agency of the United  
53 States if he **or she** is confined pursuant to a conviction for  
54 any felony or misdemeanor or if he **or she** has been acquitted  
55 of any felony or misdemeanor solely on the ground of mental  
56 illness, unless prior to transfer the court originally  
57 ordering confinement of such person enters an order for the  
58 transfer after appropriate motion and hearing. Any person  
59 transferred to an agency of the United States shall be  
60 deemed to be hospitalized by such agency pursuant to the  
61 original order of hospitalization.

632.375. 1. At least once every one hundred eighty  
2 days, the head of each mental health program shall have each  
3 respondent who is detained at the program for a one-year  
4 period under this chapter examined and evaluated to  
5 determine if the respondent continues to be mentally ill,  
6 and as a result presents a likelihood of serious harm to  
7 himself **or herself** or others. The court, [the mental health  
8 coordinator for the region,] the respondent and the  
9 respondent's attorney shall be provided copies of the report  
10 of the examination and evaluation described by this section  
11 and the respondent's individualized treatment plan.

12 2. Upon receipt of the report, the court may, upon its  
13 own motion, or shall, upon the motion of the respondent,



14 order a hearing to be held as to the need for continued  
15 detention and involuntary treatment. At the conclusion of  
16 the hearing, the court may order:

17 (1) The discharge of the respondent; or

18 (2) An appropriate least restrictive course of  
19 detention and involuntary treatment; or

20 (3) The respondent to be remanded to the mental health  
21 program for the unexpired portion of the original commitment  
22 order.

632.385. 1. The head of a mental health facility  
2 shall release a patient, whether voluntary or involuntary,  
3 from the facility to the least restrictive environment,  
4 including referral to and subsequent placement in the  
5 placement program of the department, when he **or she** believes  
6 that such release is in the best interests of the patient.  
7 Release to the least restrictive environment shall include  
8 provisions for continuing responsibility to and by the  
9 facility.

10 2. Release to the least restrictive environment may be  
11 conditioned on the patient receiving outpatient care as  
12 prescribed by the head of the mental health facility from  
13 which the patient is being released. The period of  
14 treatment in the least restrictive environment shall not  
15 exceed the period of one year.

16 3. The facility or agency which is to provide  
17 treatment in the least restrictive environment must agree in  
18 writing to assume such responsibility. A copy of the  
19 conditions for release shall be given to the patient, to the  
20 probate division of the circuit court having jurisdiction  
21 and the mental health facility providing treatment.

22 4. The head of a mental health facility may permit a  
23 respondent detained for treatment to leave the facility for

24 prescribed short periods on trial visit during his **or her**  
25 detention subject to conditions prescribed by the head of  
26 the mental health facility.

27         5. The head of the mental health facility providing  
28 treatment may modify the conditions for continued release  
29 from the facility to the least restrictive environment when  
30 such modification is in the best interest of the patient.  
31 Notification of any changes shall be sent to the patient and  
32 to the court within ninety-six hours if the patient is  
33 involuntarily detained under this chapter. Upon a receipt  
34 of a notification returning the patient to the facility as  
35 an inpatient, the committing court shall, if necessary,  
36 order the sheriff or other law enforcement official to  
37 apprehend and transport the patient to the facility. The  
38 committing court may, on its own motion or shall upon the  
39 respondent's motion, order a hearing to be held on the need  
40 for such change.

632.390. 1. The head of a mental health program shall  
2 release any person who is involuntarily detained under this  
3 chapter when, in his **or her** opinion, the person is no longer  
4 mentally ill; or[, ] although mentally ill, does not present  
5 a likelihood of serious harm to himself **or herself** or  
6 others, even though the detention period has not expired.

7         2. Whenever the head of a mental health program  
8 discharges a person prior to the expiration of the detention  
9 order, he **or she** shall notify in writing the court [and the  
10 mental health coordinator].

11         3. Whenever a respondent voluntarily admits himself **or**  
12 **herself** and the head of a mental health program accepts the  
13 admission application submitted by respondent in good faith  
14 under section 632.105, the respondent's involuntary  
15 detention shall cease, and the head of the program shall

16 notify, in writing, the court [and the mental health  
17 coordinator].

632.392. 1. Notwithstanding the provisions of  
2 subsection 1 of section 630.140, a mental health program and  
3 any treating physician, upon release of a patient who was  
4 committed or who is civilly detained and consents to  
5 voluntary treatment during the course of the inpatient stay  
6 pursuant to section 632.150, 632.155, 632.300, 632.305,  
7 632.330, 632.335, 632.340, 632.350, 632.355 or 632.375:

8 (1) Shall provide to the patient and his **or her** care  
9 provider a written packet of educational information  
10 developed and supplied by the department of mental health  
11 describing symptoms of common mental illnesses, early  
12 warning signs of decompensation, and availability of other  
13 education, community and statewide services. The packet  
14 shall also include the telephone number of the department of  
15 mental health information line and information specific to  
16 the laws and procedures addressing civil detention and  
17 guardianship;

18 (2) May disclose confidential treatment information to  
19 the primary care provider or care providers, when such  
20 information is medically necessary for the provision of  
21 appropriate health care or treatment by the care provider or  
22 is related to the safety of the patient or care provider.

23 2. Prior to disclosure of the information specified  
24 under subdivision (2) of subsection 1 of this section, the  
25 mental health facility shall provide written notice to the  
26 patient; request in writing the consent of the patient; work  
27 with the patient and care provider to encourage and secure  
28 appropriate patient authorization; function as a mediator,  
29 negotiating the boundaries of confidentiality to meet the  
30 needs of the client and care provider; and work with the

31 client to stress the importance of keeping the care provider  
32 informed and involved with his treatment process. If the  
33 patient refuses to consent and the treating physician deems  
34 the information is medically necessary for the appropriate  
35 provision of health care or treatment by the care provider  
36 or is related to the safety of the patient or care provider,  
37 the information may still be released to the appropriate  
38 care provider. The reason for the intended disclosure, the  
39 specific information to be released and the persons to whom  
40 the disclosure is to be made, even if consent has not been  
41 obtained, will be provided to the client and care provider.  
42 All these procedures shall be documented by the treating  
43 physician in the client record, including a specific  
44 notation as to whether client consent was given.

45 3. As used in this section, the term "care provider"  
46 means the person or persons who can demonstrate that they  
47 are primarily responsible for the health care of the person  
48 with a mental illness. The term does not apply to any  
49 person providing care through hospitals, nursing homes,  
50 group homes or any other such facility.

632.395. 1. If an individual ordered to be  
2 involuntarily detained or committed, treated and evaluated  
3 pursuant to this chapter is eligible for hospital care or  
4 treatment by any agency of the United States, the court,  
5 upon receipt of a certificate from such agency showing that  
6 facilities are available and that the individual is eligible  
7 for care or treatment therein, may order him **or her** to be  
8 placed in the custody of such agency for hospitalization.  
9 When any individual is admitted pursuant to the order of the  
10 court to any hospital or institution operated by any agency  
11 of the United States within or without this state, he **or she**  
12 shall be subject to the rules and regulations of such

13 agency. The chief officer of any hospital or institution  
14 operated by such agency and in which the individual is so  
15 hospitalized shall, with respect to such individual, be  
16 vested with the same powers as the heads of hospitals or the  
17 division within this state have with respect to detention,  
18 custody, transfer, conditional release and discharge of  
19 patients. Jurisdiction is retained in the appropriate  
20 courts of this state at any time to inquire into the mental  
21 condition of an individual so hospitalized and to determine  
22 the necessity for continuance of his **or her** hospitalization,  
23 and every order of hospitalization issued pursuant to this  
24 section is so conditioned.

25       2. An order of a court of competent jurisdiction of  
26 another state, or of the District of Columbia, authorizing  
27 hospitalization of an individual by any agency of the United  
28 States shall have the same force and effect as to the  
29 individual while in this state as in the jurisdiction in  
30 which is situated the court entering the order, and the  
31 courts of the state or District of Columbia issuing the  
32 order shall be deemed to have retained jurisdiction of the  
33 individual so hospitalized for the purpose of inquiring into  
34 his **or her** mental condition and of determining the necessity  
35 for continuance of his **or her** hospitalization, as is  
36 provided in subsection 1 of this section with respect to  
37 individuals ordered hospitalized by the courts of this  
38 state. Consent is hereby given to the application of the  
39 law of the state or District of Columbia in which is located  
40 the court issuing the order for hospitalization with respect  
41 to the authority of the chief officer of any hospital or  
42 institution operated in this state by any agency of the  
43 United States to retain custody, transfer, conditional  
44 release or discharge the individual hospitalized.

632.400. Any respondent ordered detained for ninety-  
2 day or one-year periods of involuntary inpatient treatment  
3 or ordered detained for a period of up to one hundred eighty  
4 days of outpatient detention and treatment under this  
5 chapter shall be entitled to a reexamination of the order  
6 for his **or her** detention on his **or her** own motion, or that  
7 of his **or her** legal guardian, parent, spouse, relative,  
8 friend or attorney to the court. Upon receipt of the  
9 motion, the court shall conduct or cause to be conducted by  
10 a special commissioner proceedings in accordance with  
11 section 632.340.

632.410. Venue for proceedings for involuntary  
2 detentions pursuant to the provisions of this chapter shall  
3 be in the court having probate jurisdiction in the county in  
4 which the mental health program is located wherein the  
5 respondent is detained; provided, however, that if the  
6 respondent is a resident of this state and makes application  
7 for the hearing to be held in his **or her** county of  
8 residence, the court shall order the proceedings, with all  
9 papers, files and transcripts of the proceedings, to be  
10 transferred to the court having probate jurisdiction in the  
11 respondent's county of residence. Once a court has assumed  
12 jurisdiction with respect to involuntary detention  
13 proceedings, no other court shall assume jurisdiction until  
14 the court having prior jurisdiction has transferred  
15 jurisdiction and all papers, files, and transcripts. If the  
16 court having jurisdiction receives notice that a respondent  
17 has been transferred to a mental health program in another  
18 county, the court shall transfer jurisdiction, along with  
19 all papers, files and transcripts, to the court in the  
20 county where the respondent has been transferred.

632.415. 1. The judge having probate jurisdiction in each county where a mental health program is located shall prepare and maintain a current register of attorneys who have agreed to be appointed to represent respondents against whom involuntary civil detention proceedings have been instituted in such county. The judge may choose lawyers who are paid by any public or private agency or other lawyers who are appointed to the register. [The register shall be provided to the mental health coordinator for the area which includes the county for which the list was prepared. A new register shall be provided to the mental health coordinator each time a new attorney is added.]

2. If the judge finds that the respondent is unable to pay attorney's fees for the services rendered in the proceedings, the judge shall allow a reasonable attorney's fee for the services, which fee shall be assessed as costs and paid together with all other costs in the proceeding by the state, in accordance with rules and regulations promulgated by the state court administrator, from funds appropriated to the office of administration for such purposes provided that no attorney's fees shall be allowed for services rendered by any attorney who is a salaried employee of a public agency or a private agency which receives public funds.

632.420. The court having probate jurisdiction in appointing licensed physicians pursuant to section 632.345 shall choose, if available, physicians who have agreed to serve without fee or physicians paid by any private or public agency, if they are found suitable; provided, that if the court finds no suitable physicians from such sources, the court shall appoint an available licensed physician and he **or she** shall be paid a reasonable fee, as determined by

9 the court, by the state from funds appropriated to the  
10 office of administration for this purpose.

632.430. 1. Appeals from court orders made under this  
2 chapter may be made by the respondent or by the petitioner  
3 to the appropriate appellate court pursuant to the rules of  
4 civil procedure of the supreme court of Missouri pertaining  
5 to appeals. Such appeal shall have priority on the docket  
6 of the appellate court and shall be expedited in all  
7 respects. The court shall notify the attorney general's  
8 office whenever an appeal is filed under this subsection,  
9 and the attorney general shall represent the state when it  
10 is a party to such appeal.

11 2. A motion to stay any order restricting an  
12 individual's liberty may be filed in either the court or the  
13 appropriate appellate court. A stay order shall not be  
14 granted in any case where the court finds that the person is  
15 so mentally ill that there is an imminent likelihood of  
16 serious physical harm to himself **or herself** or others if he  
17 **or she** is not detained or treated pending appeal. Any  
18 refusal to grant a stay by the court may be reviewed by the  
19 appropriate appellate court on motion.

632.440. No officer of a public or private agency,  
2 mental health facility or mental health program; no head,  
3 attending staff or consultant of any such agency, facility  
4 or mental health program; **[no mental health coordinator]**  
5 **behavioral health liaison**, registered professional nurse,  
6 licensed physician, mental health professional nor any other  
7 public official performing functions necessary for the  
8 administration of this chapter; no peace officer responsible  
9 for detaining a person pursuant to this chapter; and no  
10 peace officer responsible for detaining or transporting, or  
11 both, any person upon the request of any **[mental health**



12 coordinator] **behavioral health liaison** pursuant to section  
13 632.300 or 632.305 or acting pursuant to the request of a  
14 guardian who is acting pursuant to chapter 475, or upon the  
15 request of the head of any supervisory mental health program  
16 who is acting pursuant to section 632.337, regardless of  
17 whether such peace officer is outside the jurisdiction for  
18 which he **or she** serves as a peace officer during the course  
19 of such detention or transportation, or both, shall be  
20 civilly liable for investigating, detaining, transporting,  
21 conditionally releasing or discharging a person pursuant to  
22 this chapter or chapter 475, at or before the end of the  
23 period for which the person was admitted or detained for  
24 evaluation or treatment so long as such duties were  
25 performed in good faith and without gross negligence.

632.455. 1. If requested to do so by the head of a  
2 mental health program, the sheriff of the county where a  
3 patient absent without authorization is found shall  
4 apprehend and return him **or her** to the program.

5 2. The head of the program may request the return of  
6 an absent patient under subsection 1 of this section only  
7 under one or more of the following circumstances:

8 (1) The patient is a minor whose admission was applied  
9 for by his **or her** parent or legal custodian, who has not  
10 requested the minor patient's release;

11 (2) The patient is a minor under jurisdiction of the  
12 juvenile court;

13 (3) The patient has been declared legally  
14 incapacitated and his **or her** guardian has not requested his  
15 release;

16 (4) The patient was committed to the department under  
17 chapter 552 or this chapter;

18           (5) The patient's condition is of such a nature that,  
19 for the protection of the patient or others, the head of the  
20 program determines that the patient's return to the program  
21 is necessary as noted in the patient's records, in which  
22 case civil detention procedures shall be initiated upon  
23 return to the program.

          633.125. 1. A resident admitted to a developmental  
2 disability facility pursuant to section 633.120 shall be  
3 discharged immediately when the person who applied for his  
4 **or her** admission requests the release orally, in writing or  
5 otherwise from the head of the developmental disability  
6 facility; except, that if the head of the developmental  
7 disability facility regards the resident as presenting a  
8 likelihood of serious harm to himself **or herself** or others,  
9 the head of the facility may initiate involuntary detention  
10 procedures pursuant to chapter 632, if appropriate, or any  
11 individual, including the head of the facility [or the  
12 mental health coordinator], may initiate guardianship  
13 proceedings and, if appropriate, obtain an emergency  
14 commitment order pursuant to chapter 475.

15           2. A resident shall be discharged from a department  
16 developmental disability facility if it is determined in a  
17 comprehensive evaluation or periodic review that the person  
18 is not intellectually disabled or developmentally disabled,  
19 and if the resident, parent, if a minor, or guardian  
20 consents to the discharge. If consent is not obtained, the  
21 head of the facility shall initiate appeal proceedings under  
22 section 633.135, before a resident can be discharged.

23           3. A resident shall either be discharged from a  
24 department developmental disability facility or shall be  
25 referred to a regional center for placement in a least  
26 restrictive environment pursuant to section 630.610, if it

is determined in a comprehensive evaluation or periodic review that the following criteria exist:

(1) The resident's condition is not of such a nature that for the protection or adequate care of the resident or others the resident needs department residential habilitation or other services;

(2) The developmental disability facility does not offer a program which best meets the resident's needs; or

(3) The developmental disability facility does not provide the least restrictive environment feasible. A resident may not be discharged without his **or her** consent or the consent of his **or her** parent, if he **or she** is a minor, or guardian unless proceedings have been completed under section 633.135.

4. After a resident's discharge pursuant to subsection 3 of this section, the resident shall be referred to an appropriate regional center for assistance in obtaining any necessary services.

[632.300. 1. When a mental health coordinator receives information alleging that a person, as the result of a mental disorder, presents a likelihood of serious harm to himself or others, he shall:

(1) Conduct an investigation;

(2) Evaluate the allegations and the data developed by investigation; and

(3) Evaluate the reliability and credibility of all sources of information.

2. If, as the result of personal observation or investigation, the mental health coordinator has reasonable cause to believe that such person is mentally disordered and, as a result, presents a likelihood of serious harm to himself or others, the mental health coordinator may file an application with the court having probate jurisdiction pursuant to the provisions of section 632.305; provided, however, that should the mental health coordinator have reasonable cause to believe, as the result of personal observation or investigation, that the likelihood of serious harm by such person to himself or others as a result of a mental

25 disorder is imminent unless the person is  
26 immediately taken into custody, the mental  
27 health coordinator shall request a peace officer  
28 to take or cause such person to be taken into  
29 custody and transported to a mental health  
30 facility in accordance with the provisions of  
31 subsection 3 of section 632.305.  
32 3. If the mental health coordinator  
33 determines that involuntary commitment is not  
34 appropriate, he should inform either the person,  
35 his family or friends about those public and  
36 private agencies and courts which might be of  
37 assistance.]

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