

SENATE BILL NO. 436

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

1232S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 632.305, RSMo, and to enact in lieu thereof one new section relating to notarization requirements for certain mental health detentions.

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

Section A. Section 632.305, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 632.305,
3 to read as follows:

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, on a form provided by the court
5 for such purpose, and shall allege under oath[, without a
6 notarization requirement,] that the applicant has reason to
7 believe that the respondent is suffering from a mental
8 disorder and presents a likelihood of serious harm to
9 himself or herself or to others. The application shall
10 specify the factual information on which such belief is
11 based and should contain the names and addresses of all
12 persons known to the applicant who have knowledge of such
13 facts through personal observation.

14 2. The filing of a written application in court by any
15 adult person, who need not be an attorney or represented by
16 an attorney, shall authorize the applicant to bring the
17 matter before the court on an ex parte basis to determine
18 whether the respondent should be taken into custody and

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

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

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

51 investigations and shall contain the information required in
52 subsection 1 of this section.

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

69 5. No notarization shall be required for an
70 application or for any affidavits, declarations, or other
71 documents supporting an application **filed pursuant to**
72 **subsections 2, 3, or 4 of this section, or filed pursuant to**
73 **subsection 1 of this section if the adult person executing**
74 **the application is an employee acting on behalf of a**
75 **hospital, as such term is defined in section 197.020.** The
76 application and any affidavits, declarations, or other
77 documents supporting the application shall be subject to the
78 provisions of section 492.060 allowing for declaration under
79 penalty of perjury.

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