

MAINE STATE LEGISLATURE

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November 18, 1963

Walter F. Ulmer, Commissioner

Mental Health and Corrections

Courtlund D. Perry, Asst. Atty. Gen'l.

Mental Health and Corrections

Mental Hospitals Admitting Patients Under the Age of 21.

FACTS:

From time to time, persons between the ages of 16 years and 21 years, make application for voluntary admission to the Bangor State Hospital; it has been the practice of the Superintendent thereof, to decline to accept such patients without the consent of the parent.

QUESTION:

1. May such a person be admitted for hospitalization solely upon his own application?

ANSWER:

Yes.

QUESTION:

2. If a person under the age of 21 years is admitted without parental consent may such parent be legally liable for the board and care of such patient?

ANSWER:

Yes.

OPINION:

1. R.S. 1954, c. 27, §169 (Enact. P.L. 1961, c. 303, §1, provides in part:

" . . . the head of a public hospital subject except in case of medical emergency, to the availability of suitable accommodations, may admit for observation, diagnosis, care and treatment any individual who is mentally ill or has symptoms of mental illness and who, being 16 years of age or over, applies therefor, exclusive of those persons with pending criminal action."

The Legislature, by this statute, has given the hospital authority to accept as voluntary patients, persons 16 years of age and older, on the basis of their application. No conditions are attached requiring parental consent in instances of applications received from persons under the age of 21 years. From the legislative grant of authority to receive such persons, must be implied the capacity of such person to independently make such application.

OPINION:

2. A person between the ages of 16 years and 21 years is legally admitted to a State hospital for the mentally ill upon his own application, such legal admission renders the parent legally liable for the patient's support at the hospital, if, at the time of admission the patient was wholly or partially dependent upon such parent for support. (A.S. 1954, c. 27, §19-G II. Stat. P.L. 1963, c. 19, §2.)

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