



## **120th MAINE LEGISLATURE**

## **SECOND REGULAR SESSION-2002**

Legislative Document

No. 1961

H.P. 1464

House of Representatives, December 20, 2001

An Act to Allow Private Psychiatric Hospitalization of Residents of Department of Corrections Juvenile Facilities.

Submitted by the Department of Corrections pursuant to Joint Rule 204. Received by the Clerk of the House on December 17, 2001. Referred to the Committee on Criminal Justice pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. Mac Jailand

MILLICENT M. MacFARLAND, Clerk

Presented by Representative POVICH of Ellsworth. Cosponsored by Representatives: GERZOFSKY of Brunswick, O'BRIEN of Lewiston, PEAVEY of Woolwich, QUINT of Portland, SNOWE-MELLO of Poland, TOBIN of Dexter.

## Be it enacted by the People of the State of Maine as follows:

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2	Sec. 1. 34-A MRSA §3809-A, sub-§3 is enacted to read:
4	3. Psychiatric hospitalization. The commissioner has all
6	the power over a juvenile client that a guardian has over a ward and that a parent has over a child with regard to necessary
8	psychiatric hospitalization, including hospitalization in a nonstate mental health institution or hospital for the mentally
10	ill. If a juvenile client is or becomes 18 years of age while still under commitment, the statutory guardianship of the
12	commissioner over the juvenile client terminates, but the juvenile client remains subject to the control of the
14	commissioner and staff and rules of the facility until the
16	<u>expiration of the period of commitment or until discharge from</u> the facility.
18	Sec. 2. 34-A MRSA §4111, sub-§3 is enacted to read:
20	3. Psychiatric hospitalization. The commissioner has all the power over a juvenile client that a guardian has over a ward
22	and that a parent has over a child with regard to necessary psychiatric hospitalization, including hospitalization in a
24	nonstate mental health institution or hospital for the mentally ill. If a juvenile client is or becomes 18 years of age while
26	still under commitment, the statutory guardianship of the commissioner over the juvenile client terminates, but the
28	juvenile client remains subject to the control of the commissioner and staff and rules of the facility until the
30	expiration of the period of commitment or until discharge from the facility.
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34	SUMMARY
36	Present law only allows for the psychiatric hospitalization of persons confined in Department of Corrections facilities in
38	state mental health institutes. While the state mental health institutes have beds for adults, they do not have and do not plan
40	to have beds for juveniles. This bill allows juveniles needing psychiatric hospitalization to be admitted to private facilities
42	for psychiatric care under the commissioner's statutory quardianship, just as they may now be admitted to private
44	facilities for medical care under that guardianship.

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