

HOUSE**AMENDMENT NO. ____****Offered by****of**

1 AMEND Senate Committee Substitute for Senate Bill No. 178, Page
 2 4, Section 56.700, Line 64, by inserting after all of said line
 3 the following:

4 "631.165. If the head of the alcohol or drug abuse facility
 5 finds that a person who is detained for treatment and
 6 rehabilitation is presenting a likelihood of serious harm as a
 7 result of mental disorder other than alcohol or drug abuse, or
 8 both, or is gravely disabled, the head of the facility shall
 9 arrange for the transfer of the person to a mental health
 10 facility through a mental health coordinator, or through a
 11 licensed physician, registered professional nurse, qualified
 12 counselor or mental health professional designated by the mental
 13 health facility. The person may be detained for up to ninety-six
 14 hours for evaluation and treatment, under the procedures of
 15 sections 632.310, 632.315, 632.320 and 632.325, before filing a
 16 petition for further detention under sections 632.330 and
 17 632.335.

18 632.005. As used in chapter 631 and this chapter, unless
 19 the context clearly requires otherwise, the following terms shall
 20 mean:

21 (1) "Comprehensive psychiatric services", any one, or any
 22 combination of two or more, of the following services to persons
 23 affected by mental disorders other than intellectual disabilities
 24 or developmental disabilities: inpatient, outpatient, day
 25 program or other partial hospitalization, emergency, diagnostic,
 26 treatment, liaison, follow-up, consultation, education,
 27 rehabilitation, prevention, screening, transitional living,
 28 medical prevention and treatment for alcohol abuse, and medical
 29 prevention and treatment for drug abuse;

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

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

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

7 (5) "Division director", director of the division of
8 comprehensive psychiatric services of the department of mental
9 health, or his designee;

10 (6) "Gravely disabled", a condition in which a person, as a
11 result of mental illness or mental disorder, lacks judgment in
12 the management of his or her resources and in the conduct of his
13 or her social relations to the extent that his or her health or
14 safety is significantly endangered and he or she lacks the
15 capacity to understand that this is so. A person of any age can
16 be gravely disabled, but such term shall not include a person who
17 has a developmental disability unless such person also has a
18 mental illness or mental disorder. The determination of gravely
19 disabled shall be based upon the person's mental illness or
20 mental disorder;

21 (7) "Head of mental health facility", superintendent or
22 other chief administrative officer of a mental health facility,
23 or his designee;

24 [(7)] (8) "Judicial day", any Monday, Tuesday, Wednesday,
25 Thursday or Friday when the court is open for business, but
26 excluding Saturdays, Sundays and legal holidays;

27 [(8)] (9) "Licensed physician", a physician licensed
28 pursuant to the provisions of chapter 334 or a person authorized
29 to practice medicine in this state pursuant to the provisions of
30 section 334.150;

31 [(9)] (10) "Licensed professional counselor", a person
32 licensed as a professional counselor under chapter 337 and with a
33 minimum of one year training or experience in providing
34 psychiatric care, treatment, or services in a psychiatric setting
35 to individuals suffering from a mental disorder;

36 [(10)] (11) "Likelihood of serious harm" means any one or
37 more of the following but does not require actual physical injury

1 to have occurred:

2 (a) A substantial risk that serious physical harm will be
3 inflicted by a person upon his own person, as evidenced by recent
4 threats, including verbal threats, or attempts to commit suicide
5 or inflict physical harm on himself. Evidence of substantial
6 risk may also include information about patterns of behavior that
7 historically have resulted in serious harm previously being
8 inflicted by a person upon himself; or

9 (b) A substantial risk that serious physical harm to a
10 person will result or is occurring because of an impairment in
11 his capacity to make decisions with respect to his
12 hospitalization and need for treatment as evidenced by his
13 current mental disorder or mental illness which results in an
14 inability to provide for his own basic necessities of food,
15 clothing, shelter, safety or medical care or his inability to
16 provide for his own mental health care which may result in a
17 substantial risk of serious physical harm. Evidence of that
18 substantial risk may also include information about patterns of
19 behavior that historically have resulted in serious harm to the
20 person previously taking place because of a mental disorder or
21 mental illness which resulted in his inability to provide for his
22 basic necessities of food, clothing, shelter, safety or medical
23 or mental health care; or

24 (c) A substantial risk that serious physical harm will be
25 inflicted by a person upon another as evidenced by recent overt
26 acts, behavior or threats, including verbal threats, which have
27 caused such harm or which would place a reasonable person in
28 reasonable fear of sustaining such harm. Evidence of that
29 substantial risk may also include information about patterns of
30 behavior that historically have resulted in physical harm
31 previously being inflicted by a person upon another person;

32 [(11)] (12) "Mental health coordinator", a mental health
33 professional who has knowledge of the laws relating to hospital
34 admissions and civil commitment and who is authorized by the
35 director of the department, or his designee, to serve a
36 designated geographic area or mental health facility and who has
37 the powers, duties and responsibilities provided in this chapter;

1 [(12)] (13) "Mental health facility", any residential
2 facility, public or private, or any public or private hospital,
3 which can provide evaluation, treatment and, inpatient care to
4 persons suffering from a mental disorder or mental illness and
5 which is recognized as such by the department or any outpatient
6 treatment program certified by the department of mental health.
7 No correctional institution or facility, jail, regional center or
8 developmental disability facility shall be a mental health
9 facility within the meaning of this chapter;

10 [(13)] (14) "Mental health professional", a psychiatrist,
11 resident in psychiatry, psychologist, psychiatric nurse, licensed
12 professional counselor, or psychiatric social worker;

13 [(14)] (15) "Mental health program", any public or private
14 residential facility, public or private hospital, public or
15 private specialized service or public or private day program that
16 can provide care, treatment, rehabilitation or services, either
17 through its own staff or through contracted providers, in an
18 inpatient or outpatient setting to persons with a mental disorder
19 or mental illness or with a diagnosis of alcohol abuse or drug
20 abuse which is recognized as such by the department. No
21 correctional institution or facility or jail may be a mental
22 health program within the meaning of this chapter;

23 [(15)] (16) "Ninety-six hours" shall be construed and
24 computed to exclude Saturdays, Sundays and legal holidays which
25 are observed either by the court or by the mental health facility
26 where the respondent is detained;

27 [(16)] (17) "Peace officer", a sheriff, deputy sheriff,
28 county or municipal police officer or highway patrolman;

29 [(17)] (18) "Psychiatric nurse", a registered professional
30 nurse who is licensed under chapter 335 and who has had at least
31 two years of experience as a registered professional nurse in
32 providing psychiatric nursing treatment to individuals suffering
33 from mental disorders;

34 [(18)] (19) "Psychiatric social worker", a person with a
35 master's or further advanced degree from an accredited school of
36 social work, practicing pursuant to chapter 337, and with a
37 minimum of one year training or experience in providing

1 psychiatric care, treatment or services in a psychiatric setting
2 to individuals suffering from a mental disorder;

3 [(19)] (20) "Psychiatrist", a licensed physician who in
4 addition has successfully completed a training program in
5 psychiatry approved by the American Medical Association, the
6 American Osteopathic Association or other training program
7 certified as equivalent by the department;

8 [(20)] (21) "Psychologist", a person licensed to practice
9 psychology under chapter 337 with a minimum of one year training
10 or experience in providing treatment or services to mentally
11 disordered or mentally ill individuals;

12 [(21)] (22) "Resident in psychiatry", a licensed physician
13 who is in a training program in psychiatry approved by the
14 American Medical Association, the American Osteopathic
15 Association or other training program certified as equivalent by
16 the department;

17 [(22)] (23) "Respondent", an individual against whom
18 involuntary civil detention proceedings are instituted pursuant
19 to this chapter;

20 [(23)] (24) "Treatment", any effort to accomplish a
21 significant change in the mental or emotional conditions or the
22 behavior of the patient consistent with generally recognized
23 principles or standards in the mental health professions.

24 632.150. 1. A voluntary patient who has applied for his
25 own admission may request his release either orally or in writing
26 to the head of the mental health facility and shall be released
27 immediately; except, that if the head of the facility determines
28 that he is mentally disordered and, as a result, presents a
29 likelihood of serious physical harm to himself or others, or is
30 gravely disabled, the head of the facility may refuse the request
31 for release.

32 2. If the request for release is refused, the mental health
33 facility may detain the person only if a mental health
34 coordinator, a licensed physician, a registered professional
35 nurse designated by the facility and approved by the department,
36 a mental health professional or a peace officer completes an
37 application for detention for evaluation and treatment to begin

1 the involuntary detention of the patient under this chapter.

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

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

22 632.300. 1. When a mental health coordinator receives
23 information alleging that a person, as the result of a mental
24 disorder, presents a likelihood of serious harm to himself or
25 others, or that the person is gravely disabled, he shall:

- 26 (1) Conduct an investigation;
27 (2) Evaluate the allegations and the data developed by
28 investigation; and
29 (3) Evaluate the reliability and credibility of all sources
30 of information.

31 2. If, as the result of personal observation or
32 investigation, the mental health coordinator has reasonable cause
33 to believe that such person is mentally disordered and, as a
34 result, presents a likelihood of serious harm to himself or
35 others, or that the person is gravely disabled, the mental health
36 coordinator may file an application with the court having probate
37 jurisdiction pursuant to the provisions of section 632.305;

1 provided, however, that should the mental health coordinator have
2 reasonable cause to believe, as the result of personal
3 observation or investigation, that the likelihood of serious harm
4 by such person to himself or others as a result of a mental
5 disorder is imminent unless the person is immediately taken into
6 custody, or the person is gravely disabled and there exists an
7 imminent risk to the person's health or safety unless such person
8 is immediately taken into custody, the mental health coordinator
9 shall request a peace officer to take or cause such person to be
10 taken into custody and transported to a mental health facility in
11 accordance with the provisions of subsection 3 of section
12 632.305.

13 3. If the mental health coordinator determines that
14 involuntary commitment is not appropriate, he should inform
15 either the person, his family or friends about those public and
16 private agencies and courts which might be of assistance.

17 632.305. 1. An application for detention for evaluation
18 and treatment may be executed by any adult person, who need not
19 be an attorney or represented by an attorney, including the
20 mental health coordinator, on a form provided by the court for
21 such purpose, and must allege under oath that the applicant has
22 reason to believe that the respondent is suffering from a mental
23 disorder and presents a likelihood of serious harm to himself or
24 to others, or is gravely disabled. The application must specify
25 the factual information on which such belief is based and should
26 contain the names and addresses of all persons known to the
27 applicant who have knowledge of such facts through personal
28 observation.

29 2. The filing of a written application in court by any
30 adult person, who need not be an attorney or represented by an
31 attorney, including the mental health coordinator, shall
32 authorize the applicant to bring the matter before the court on
33 an ex parte basis to determine whether the respondent should be
34 taken into custody and transported to a mental health facility.
35 The application may be filed in the court having probate
36 jurisdiction in any county where the respondent may be found. If
37 the court finds that there is probable cause, either upon

1 testimony under oath or upon a review of affidavits, to believe
2 that the respondent may be suffering from a mental disorder and
3 presents a likelihood of serious harm to himself or others, or is
4 gravely disabled, it shall direct a peace officer to take the
5 respondent into custody and transport him to a mental health
6 facility for detention for evaluation and treatment for a period
7 not to exceed ninety-six hours unless further detention and
8 treatment is authorized pursuant to this chapter. Nothing herein
9 shall be construed to prohibit the court, in the exercise of its
10 discretion, from giving the respondent an opportunity to be
11 heard.

12 3. A mental health coordinator may request a peace officer
13 to take or a peace officer may take a person into custody for
14 detention for evaluation and treatment for a period not to exceed
15 ninety-six hours only when such mental health coordinator or
16 peace officer has reasonable cause to believe that such person is
17 suffering from a mental disorder and that the likelihood of
18 serious harm by such person to himself or others is imminent
19 unless such person is immediately taken into custody, or the
20 person is gravely disabled and there exists an imminent risk to
21 the person's health or safety unless such person is immediately
22 taken into custody. Upon arrival at the mental health facility,
23 the peace officer or mental health coordinator who conveyed such
24 person or caused him to be conveyed shall either present the
25 application for detention for evaluation and treatment upon which
26 the court has issued a finding of probable cause and the
27 respondent was taken into custody or complete an application for
28 initial detention for evaluation and treatment for a period not
29 to exceed ninety-six hours which shall be based upon his own
30 personal observations or investigations and shall contain the
31 information required in subsection 1 of this section.

32 4. If a person presents himself or is presented by others
33 to a mental health facility and a licensed physician, a
34 registered professional nurse or a mental health professional
35 designated by the head of the facility and approved by the
36 department for such purpose has reasonable cause to believe that
37 the person is mentally disordered and presents an imminent

1 likelihood of serious harm to himself or others unless he is
2 accepted for detention, or the person is gravely disabled and
3 there exists an imminent risk to the person's health or safety
4 unless such person is accepted for detention, the licensed
5 physician, the mental health professional or the registered
6 professional nurse designated by the facility and approved by the
7 department may complete an application for detention for
8 evaluation and treatment for a period not to exceed ninety-six
9 hours. The application shall be based on his own personal
10 observations or investigation and shall contain the information
11 required in subsection 1 of this section.

12 632.330. 1. At the expiration of the ninety-six hour
13 period, the respondent may be detained and treated involuntarily
14 for an additional two judicial days only if the head of the
15 mental health facility or a mental health coordinator either has
16 filed a petition for additional inpatient detention and treatment
17 not to exceed twenty-one days or has filed a petition for
18 outpatient detention and treatment for a period not to exceed one
19 hundred eighty days.

20 2. Within ninety-six hours following initial detention, the
21 head of the facility or the mental health coordinator may file or
22 cause to be filed either a petition for a twenty-one-day
23 inpatient involuntary detention and treatment period or a
24 petition for outpatient detention and treatment for a period not
25 to exceed one hundred eighty days, provided he has reasonable
26 cause to believe that the person is mentally ill and as a result
27 presents a likelihood of serious harm to himself or others, or is
28 gravely disabled. The court shall serve the petition and list of
29 prospective witnesses for the petitioner upon the respondent and
30 his attorney at least twenty-four hours before the hearing. The
31 head of the facility shall also notify the mental health
32 coordinator if the petition is not filed by the mental health
33 coordinator. The petition shall:

34 (1) Allege that the respondent, by reason of mental
35 illness, presents a likelihood of serious harm to himself or to
36 others, or is gravely disabled;

37 (2) Allege that the respondent is in need of continued

1 detention and treatment either on an inpatient basis or on an
2 outpatient basis;

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

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

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

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

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

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

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

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

34 4. If the head of the mental health facility, or his
35 designee, or the mental health coordinator believes that the
36 respondent, because of a mental illness or mental disorder, may
37 be incapacitated or disabled as defined in chapter 475, the head

1 of the mental health facility or mental health coordinator shall
2 cause a petition to be filed pursuant to section 475.060 and
3 section 475.061, if applicable, with the court having probate
4 jurisdiction as determined by section 475.035. In addition, if
5 the head of the mental health facility, his designee or the
6 mental health coordinator believes it appropriate, he shall
7 proceed with obtaining an order for the respondent's temporary
8 emergency detention as provided for in section 475.355.

9 Furthermore, the hearing on the petition filed pursuant to
10 chapter 475 shall be conducted pursuant to the requirements of
11 section 475.075 and other appropriate sections of chapter 475,
12 and shall be held within two judicial days after termination of
13 the ninety-six-hour civil detention period unless continued for
14 good cause shown. Nothing contained in this subsection shall
15 restrict or prohibit the head of the mental health facility, his
16 designee or the mental health coordinator from proceeding under
17 the appropriate provisions of this chapter if the petition for
18 guardianship or conservatorship is denied.

19 632.335. 1. The petition for additional inpatient
20 detention and treatment not to exceed twenty-one days or the
21 petition for outpatient detention and treatment not to exceed one
22 hundred eighty days shall be filed with the court having probate
23 jurisdiction. At the time of filing the petition, the court
24 clerk shall set a date and time for the hearing which shall take
25 place within two judicial days of the filing of the petition.
26 The clerk shall promptly notify the respondent, his attorney, the
27 petitioner and the petitioner's attorney of the date and time for
28 the hearing. The court shall not grant continuances except upon
29 a showing of good and sufficient cause. If a continuance is
30 granted, the court, in its discretion, may order the person
31 released pending the hearing upon conditions prescribed by the
32 court. The court may order the continued detention and treatment
33 of the person at a mental health facility pending the continued
34 hearing, and a copy of such order shall be furnished to the
35 facility.

36 2. The hearing shall be conducted in as informal a manner
37 as may be consistent with orderly procedure and in a physical

1 setting not likely to have a harmful effect on the respondent.
2 Due consideration shall be given by the court to holding a
3 hearing at the mental health facility. The respondent shall have
4 the following rights in addition to those specified elsewhere:

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

17 3. The respondent shall be present at the hearing, unless
18 the respondent's physical condition is such that he cannot be
19 present in the courtroom or if the court determines that the
20 respondent's conduct in the courtroom is so disruptive that the
21 proceedings cannot reasonably continue.

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

34 632.337. 1. When the court has ordered up to one hundred
35 eighty days of outpatient detention and treatment pursuant to
36 section 632.335 or 632.350 or 632.355, and the supervisory mental
37 health program has good cause to believe that immediate detention

1 in a more appropriate least restrictive environment is required
2 because the respondent presents a likelihood of serious harm, or
3 is gravely disabled due to mental illness, the supervisory mental
4 health program may direct that the respondent be detained for up
5 to ninety-six hours at an appropriate mental health program that
6 has agreed to accept the respondent and may authorize the sheriff
7 to detain and transport the respondent to that mental health
8 program. Detention for more than ninety-six hours shall be
9 pursuant to section 632.330.

10 2. Evidence of detention for ninety-six-hour periods during
11 the one hundred eighty-day outpatient detention and treatment may
12 be considered by the court in determining additional periods of
13 detention and treatment.

14 632.340. 1. Before the expiration of the twenty-one-day
15 inpatient detention and treatment period ordered pursuant to
16 section 632.335, the court may order the respondent to be
17 detained and treated involuntarily for an additional period not
18 to exceed ninety inpatient days or may order the respondent to be
19 detained for outpatient detention and treatment for a period not
20 to exceed one hundred eighty days; provided, that:

21 (1) The respondent is mentally ill and continues to present
22 a likelihood of serious harm to himself or others, or is gravely
23 disabled; and

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

26 2. If, within seventeen days of the court hearing described
27 in section 632.335, the head of the mental health program or the
28 mental health coordinator has reasonable cause to believe that
29 the respondent is mentally ill and as a result presents a
30 likelihood of serious harm to himself or others, or is gravely
31 disabled, and believes that further detention and treatment is
32 necessary, he shall file, or cause to be filed, with the court a
33 petition for ninety days additional detention and treatment or a
34 petition for outpatient detention and treatment for a period not
35 to exceed one hundred eighty days. The court shall immediately
36 set a date and time for a hearing on the petition, which shall
37 take place within four judicial days of the date of the filing of

1 the petition. The court shall serve a copy of the petition and
2 the notice of the date and time of the hearing upon the
3 petitioner, the respondent, and their attorneys as promptly as
4 possible, but not later than two judicial days after the filing
5 of the petition. The petitioner shall also file with the court,
6 for the court to serve upon the respondent's attorney not later
7 than two judicial days after the filing of the petition, a list
8 of the proposed witnesses for the petitioner. The head of the
9 mental health program shall notify the mental health coordinator
10 if the petition is not filed by the mental health coordinator.
11 The petition shall comply with the requirements of section
12 632.330, and an individualized treatment plan for the respondent
13 shall be attached thereto.

14 632.350. 1. The hearing for a ninety-day inpatient
15 detention and treatment period or for outpatient detention and
16 treatment for a period not to exceed one hundred eighty days
17 shall be conducted in as informal a manner as may be consistent
18 with orderly procedure and in a physical setting not likely to
19 have a harmful effect on the mental health of the respondent. If
20 a jury trial is not requested, due consideration shall be given
21 by the court to holding a hearing at the mental health program.
22 The hearing shall be held in accordance with the provisions set
23 forth in section 632.335.

24 2. The burden of proof at the hearing shall be by clear and
25 convincing evidence and shall be upon the petitioner.

26 3. If the matter is tried before a jury, the jury shall
27 determine and shall be instructed only upon the issues of whether
28 or not the respondent is mentally ill and, as a result, presents
29 a likelihood of serious harm to himself or others, or is gravely
30 disabled. The remaining procedures for the jury trial shall be
31 as in other civil matters.

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

34 5. At the conclusion of the hearing, if the court or jury
35 finds that the respondent, as the result of mental illness,
36 presents a likelihood of serious harm to himself or to others, or
37 is gravely disabled, and the court finds that a program

1 appropriate to handle the respondent's condition has agreed to
2 accept him, the court shall order the respondent to be detained
3 for involuntary treatment in the least restrictive environment
4 for a period not to exceed ninety days or for outpatient
5 detention and treatment under the supervision of a mental health
6 program in the least restrictive environment for a period not to
7 exceed one hundred eighty days.

8 632.355. 1. At the expiration of the ninety-day inpatient
9 commitment period ordered by the court pursuant to section
10 632.350, the respondent may be detained and treated as an
11 involuntarily inpatient for an additional period of time not to
12 exceed one year or such lesser period of time as determined by
13 the court or may be detained for outpatient detention and
14 treatment for a period of time not to exceed one hundred eighty
15 days; provided, that:

16 (1) The respondent is mentally ill and continues to present
17 a likelihood of serious harm to himself or to others, or is
18 gravely disabled; and

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

21 2. Within the ninety-day commitment period, the head of the
22 mental health program or the mental health coordinator may file
23 or cause to be filed, in compliance with the requirements of
24 section 632.330, a petition for a one-year inpatient detention
25 and treatment period or a petition for outpatient detention and
26 treatment for a period not to exceed one hundred eighty days if
27 he has reasonable cause to believe that the respondent is
28 mentally ill and as a result presents a likelihood of serious
29 harm to himself or others, or is gravely disabled, and that
30 further detention and treatment is necessary pursuant to an
31 individualized treatment plan prepared by the program and filed
32 with the court. Procedures specified in sections 632.340,
33 632.345 and 632.350 shall be followed.

34 3. At the conclusion of the hearing, if the court or jury
35 finds that the respondent, as the result of mental illness,
36 presents a likelihood of serious harm to himself or others, or is
37 gravely disabled, and the court finds that a program appropriate

1 to handle the respondent's condition has agreed to accept him,
2 the court shall order that the respondent be detained for
3 involuntary treatment in the least restrictive environment for a
4 period not to exceed one year or for outpatient detention and
5 treatment under the supervision of a mental health program in the
6 least restrictive environment for a period not to exceed one
7 hundred eighty days.

8 632.375. 1. At least once every one hundred eighty days,
9 the head of each mental health program shall have each respondent
10 who is detained at the program for a one-year period under this
11 chapter examined and evaluated to determine if the respondent
12 continues to be mentally ill, and as a result presents a
13 likelihood of serious harm to himself or others, or is gravely
14 disabled. The court, the mental health coordinator for the
15 region, the respondent and the respondent's attorney shall be
16 provided copies of the report of the examination and evaluation
17 described by this section and the respondent's individualized
18 treatment plan.

19 2. Upon receipt of the report, the court may, upon its own
20 motion, or shall, upon the motion of the respondent, order a
21 hearing to be held as to the need for continued detention and
22 involuntary treatment. At the conclusion of the hearing, the
23 court may order:

24 (1) The discharge of the respondent; or

25 (2) An appropriate least restrictive course of detention
26 and involuntary treatment; or

27 (3) The respondent to be remanded to the mental health
28 program for the unexpired portion of the original commitment
29 order.

30 632.390. 1. The head of a mental health program shall
31 release any person who is involuntarily detained under this
32 chapter when, in his opinion, the person is no longer mentally
33 ill or, although mentally ill, does not present a likelihood of
34 serious harm to himself or others, or is no longer gravely
35 disabled, even though the detention period has not expired.

36 2. Whenever the head of a mental health program discharges
37 a person prior to the expiration of the detention order, he shall

1 notify in writing the court and the mental health coordinator.

2 3. Whenever a respondent voluntarily admits himself and the
3 head of a mental health program accepts the admission application
4 submitted by respondent in good faith under section 632.105, the
5 respondent's involuntary detention shall cease, and the head of
6 the program shall notify, in writing, the court and the mental
7 health coordinator.

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

17 2. A motion to stay any order restricting an individual's
18 liberty may be filed in either the court or the appropriate
19 appellate court. A stay order shall not be granted in any case
20 where the court finds that the person is so mentally ill that
21 there is an imminent likelihood of serious physical harm to
22 himself or others if he is not detained or treated pending appeal
23 or the person is gravely disabled and there exists an imminent
24 risk to the person's health or safety if such person is not
25 detained or treated pending appeal. Any refusal to grant a stay
26 by the court may be reviewed by the appropriate appellate court
27 on motion."; and
28

29 Further amend said title, enacting clause and intersectional
30 references accordingly.