

HOUSE AMENDMENT NO. ____
TO
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Offered By

AMEND House Amendment No. ____ to Senate Bill No. 28, Page 1, Line 27, by deleting all of said line and inserting in lieu thereof the following:

"department.

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

2. The filing of a written application in court by any adult person, who need not be an attorney or represented by an attorney, including the mental health coordinator, shall authorize the applicant to bring the matter before the court on an ex parte basis to determine whether the respondent should be taken into custody and transported to a mental health facility. The application may be filed in the court having probate jurisdiction in any county where the respondent may be found. If the court finds that there is probable cause, either upon testimony under oath or upon a review of affidavits, declarations, or other supporting documentation, to believe that the respondent may be suffering from a mental disorder and presents a likelihood of serious harm to himself or herself or others, it shall direct a peace officer to take the respondent into custody and transport him or her to a mental health facility for detention for evaluation and treatment for a period not to exceed ninety-six hours unless further detention and treatment is authorized pursuant to this chapter. Nothing herein shall be construed to prohibit the court, in the exercise of its discretion, from giving the respondent an opportunity to be heard.

3. A mental health coordinator may request a peace officer to take or a peace officer may take a person into custody for detention for evaluation and treatment for a period not to exceed ninety-six hours only when such mental health coordinator or peace officer has reasonable cause to believe that such person is suffering from a mental disorder and that the likelihood of serious harm

Action Taken _____ Date _____

1 by such person to himself or herself or others is imminent unless such person is immediately taken
2 into custody. Upon arrival at the mental health facility, the peace officer or mental health
3 coordinator who conveyed such person or caused him or her to be conveyed shall either present the
4 application for detention for evaluation and treatment upon which the court has issued a finding of
5 probable cause and the respondent was taken into custody or complete an application for initial
6 detention for evaluation and treatment for a period not to exceed ninety-six hours which shall be
7 based upon his or her own personal observations or investigations and shall contain the information
8 required in subsection 1 of this section.

9 4. If a person presents himself or herself or is presented by others to a mental health facility
10 and a licensed physician, a registered professional nurse or a mental health professional designated
11 by the head of the facility and approved by the department for such purpose has reasonable cause to
12 believe that the person is mentally disordered and presents an imminent likelihood of serious harm
13 to himself or herself or others unless he or she is accepted for detention, the licensed physician, the
14 mental health professional or the registered professional nurse designated by the facility and
15 approved by the department may complete an application for detention for evaluation and treatment
16 for a period not to exceed ninety-six hours. The application shall be based on his or her own
17 personal observations or investigation and shall contain the information required in subsection 1 of
18 this section.

19 5. ~~[Any oath required by the provisions of this section]~~ No notarization shall be required for
20 an application or for any affidavits, declarations, or other documents supporting an application. The
21 application and any affidavits, declarations, or other documents supporting the application shall be
22 subject to the provisions of section 492.060 allowing for declaration under penalty of perjury."
23 and"; and

24
25 Further amend said bill by amending the title, enacting clause, and intersectional references
26 accordingly.

27
28 THIS AMENDMENT AMENDS 049501.25H.