House _____ **Amendment NO.**_____

Offered By

_____   _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 218, Page 19,
2 Section 575.260, Line 12, by inserting after said section and line the following:
3
4   "632.305. 1. An application for detention for evaluation and treatment at a mental health
5 facility may be executed by any adult person, who need not be an attorney or represented by an
6 attorney, on a form provided by the court for such purpose, and shall allege under oath**[, without a**
7 **notarization requirement,]** that the applicant has reason to believe that the respondent is suffering
8 from a mental disorder and presents a likelihood of serious harm to himself or herself or to others.
9 The application shall specify the factual information on which such belief is based and should
10 contain the names and addresses of all persons known to the applicant who have knowledge of such
11 facts through personal observation.
12   2. The filing of a written application in court by any adult person, who need not be an
13 attorney or represented by an attorney, shall authorize the applicant to bring the matter before the
14 court on an ex parte basis to determine whether the respondent should be taken into custody and
15 transported to a mental health facility. The application may be filed in the court having probate
16 jurisdiction in any county where the respondent may be found. If the court finds that there is
17 probable cause, either upon testimony under oath or upon a review of affidavits, declarations, or
18 other supporting documentation, to believe that the respondent may be suffering from a mental
19 disorder and presents a likelihood of serious harm to himself or herself or others, it shall direct a
20 peace officer to take the respondent into custody and transport him or her to a mental health facility
21 for detention for evaluation and treatment for a period not to exceed ninety-six hours unless further
22 detention and treatment is authorized pursuant to this chapter. Nothing herein shall be construed to
23 prohibit the court, in the exercise of its discretion, from giving the respondent an opportunity to be
24 heard.
25   3. A peace officer may take a person into custody for detention for evaluation and treatment
26 at a mental health facility for a period not to exceed ninety-six hours only when such peace officer
27 has reasonable cause to believe that such person is suffering from a mental disorder and that the
28 likelihood of serious harm by such person to himself or herself or others is imminent unless such
29 person is immediately taken into custody. Upon arrival at the mental health facility, the peace
30 officer who conveyed such person or caused him or her to be conveyed shall either present the

Action Taken_____ Date _____

1 application for detention for evaluation and treatment upon which the court has issued a finding of
2 probable cause and the respondent was taken into custody or complete an application for initial
3 detention for evaluation and treatment for a period not to exceed ninety-six hours which shall be
4 based upon his or her own personal observations or investigations and shall contain the information
5 required in subsection 1 of this section.
6   4. If a person presents himself or herself or is presented by others to a mental health facility
7 and a licensed physician, a registered professional nurse or a mental health professional designated
8 by the head of the facility and approved by the department for such purpose has reasonable cause to
9 believe that the person is mentally disordered and presents an imminent likelihood of serious harm
10 to himself or herself or others unless he or she is accepted for detention, the licensed physician, the
11 mental health professional or the registered professional nurse designated by the facility and
12 approved by the department may complete an application for detention for evaluation and treatment
13 for a period not to exceed ninety-six hours. The application shall be based on his or her own
14 personal observations or investigation and shall contain the information required in subsection 1 of
15 this section.
16   5. (1) No notarization shall be required for an application, or for any affidavits,
17 declarations, or other documents supporting an application, completed or executed by:
18   (a) A peace officer under subsection 3 of this section;
19   (b) A licensed physician, mental health professional, or registered professional nurse under
20 subsection 4 of this section; or
21   (c) An employee acting on behalf of a hospital, as defined in section 197.020, under
22 subsections 1 and 2 of this section.
23   (2) The application and any affidavits, declarations, or other documents supporting the
24 application shall be subject to the provisions of section 492.060 allowing for declaration under
25 penalty of perjury."; and
26
27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.