

30:4-27.2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 30:4-27.2 (Civil commitment-- involuntary-- county adjusters to present cases)

LAWS OF: 1989 **CHAPTER:** 73

BILL NO: A3857

SPONSOR(S): Otlowski and Colburn

Date Introduced: October 20, 1988

Committee: **Assembly:** Health and Human Resources
Senate: Institutions, Health and Welfare

Amended during passage: No

Date of Passage: **Assembly:** November 21, 1988
Senate: February 27, 1989

Date of Approval: April 14, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

rdv

1 **AN ACT concerning county adjusters at involuntary commitment**
2 **proceedings and amending P.L.1987, c.116.**

3

4 **BE IT ENACTED by the Senate and General Assembly of the**
5 **State of New Jersey:**

6 1. Section 2 of P.L.1987, c.116 (C.30:4-27.2) is amended to
7 read as follows:

8 2. As used in this act:

9 a. "Chief executive officer" means the person who is the chief
administrative officer of an institution or psychiatric facility.

10 b. "Clinical certificate" means a form prepared by the division
11 and approved by the Administrative Office of the Courts, that is
12 completed by the psychiatrist or other physician who has
13 examined the person who is subject to commitment within three
14 days of presenting the person for admission to a facility for
15 treatment, and which states that the person is in need of
16 involuntary commitment. The form shall also state the specific
17 facts upon which the examining physician has based his conclusion
18 and shall be certified in accordance with the Rules of the Court.
19 A clinical certificate may not be executed by a person who is a
20 relative by blood or marriage to the person who is being screened.

21 c. "Clinical director" means the person who is designated by
22 the director or chief executive officer to organize and supervise
23 the clinical services provided in a screening service, short-term
24 care or psychiatric facility. The clinical director shall be a
25 psychiatrist, however, those persons currently serving in the
26 capacity will not be affected by this provision. This provision
27 shall not alter any current civil service laws designating the
28 qualifications of such position.

29 d. "Commissioner" means the Commissioner of the
30 Department of Human Services.

31 e. "County counsel" means the chief legal officer or advisor of
32 the governing body of a county.

33
EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 f. "Court" means the Superior Court or a municipal court.

3 g. "Custody" means the right and responsibility to ensure the
provision of care and supervision.

5 h. "Dangerous to self" means that by reason of mental illness
the person has threatened or attempted suicide or serious bodily
7 harm, or has behaved in such a manner as to indicate that the
person is unable to satisfy his need for nourishment, essential
9 medical care or shelter, so that it is probable that substantial
bodily injury, serious physical debilitation or death will result
11 within the reasonably foreseeable future; however, no person
shall be deemed to be unable to satisfy his need for nourishment,
13 essential medical care or shelter if he is able to satisfy such
needs with the supervision and assistance of others who are
willing and available.

15 i. "Dangerous to others or property" means that by reason of
mental illness there is a substantial likelihood that the person will
17 inflict serious bodily harm upon another person or cause serious
property damage within the reasonably foreseeable future. This
19 determination shall take into account a person's history, recent
behavior and any recent act or threat.

21 j. "Department" means the Department of Human Services.

23 k. "Director" means the chief administrative officer of a
screening service, a short-term care facility or a special
psychiatric hospital.

25 l. "Division" means the Division of Mental Health and
Hospitals in the Department of Human Services.

27 m. "In need of involuntary commitment" means that an adult
who is mentally ill, whose mental illness causes the person to be
29 dangerous to self or dangerous to others or property and who is
unwilling to be admitted to a facility voluntarily for care, and
31 who needs care at a short-term care, psychiatric facility or
special psychiatric hospital because other services are not
33 appropriate or available to meet the person's mental health care
needs.

35 n. "Institution" means any State or county facility providing
inpatient care, supervision and treatment for the mentally
37 retarded; except that with respect to the maintenance provisions
of Title 30 of the Revised Statutes, institution also means any
39 psychiatric facility for the treatment of the mentally ill.

1 o. "Mental health agency or facility" means a legal entity
which receives funds from the State, county or federal
3 government to provide mental health services.

p. "Mental health screener" means a psychiatrist,
5 psychologist, social worker, registered professional nurse or other
individual trained to do outreach only for the purposes of
7 psychological assessment who is employed by a screening service
and possesses the license, academic training or experience, as
9 required by the commissioner pursuant to regulation; except that
a psychiatrist and a State licensed clinical psychologist who meet
11 the requirements for mental health screener shall not have to
comply with any additional requirements adopted by the
13 commissioner.

q. "Mental hospital" means, for the purposes of the payment
15 and maintenance provisions of Title 30 of the Revised Statutes, a
psychiatric facility.

17 r. "Mental illness" means a current, substantial disturbance of
thought, mood, perception or orientation which significantly
19 impairs judgment, behavior or capacity to recognize reality, but
does not include simple alcohol intoxication, transitory reaction
21 to drug ingestion, organic brain syndrome or developmental
disability unless it results in the severity of impairment described
23 herein.

s. "Patient" means a person over the age of 18 who has been
25 admitted to, but not discharged from a short-term care or
psychiatric facility.

27 t. "Physician" means a person who is licensed to practice
medicine in any one of the United States or its territories, or the
29 District of Columbia.

u. "Psychiatric facility" means a State psychiatric hospital
31 listed in R.S.30:1-7, a county psychiatric hospital, or a
psychiatric unit of a county hospital.

33 v. "Psychiatrist" means a physician who has completed the
training requirements of the American Board of Psychiatry and
35 Neurology.

w. "Psychiatric unit of a general hospital" means an inpatient
37 unit of a general hospital that restricts its services to the care
and treatment of the mentally ill who are admitted on a
39 voluntary basis.

1 x. "Psychologist" means a person who is licensed as a
psychologist by the New Jersey Board of Psychological Examiners.

3 y. "Screening certificate" means a clinical certificate
5 executed by a psychiatrist or other physician affiliated with a
screening service.

7 z. "Screening service" means a public or private ambulatory
care service designated by the commissioner, which provides
9 mental health services including assessment, emergency and
referral ~~services~~ to mentally ill persons in a specified geographic
area.

11 aa. "Screening outreach visit" means an evaluation provided
by a mental health screener wherever the person may be when
13 clinically relevant information indicates the person may need
involuntary commitment and is unable or unwilling to come to a
15 screening service.

bb. "Short-term care facility" means an inpatient, community
17 based mental health treatment facility which provides acute care
and assessment services to a mentally ill person whose mental
19 illness causes the person to be dangerous to self or dangerous to
others or property. A short-term care facility is so designated by
21 the commissioner and is authorized by the commissioner to serve
persons from a specified geographic area. A short-term care
23 facility may be a part of a general hospital or other appropriate
health care facility and shall meet certificate of need
25 requirements and shall be licensed and inspected by the
Department of Health pursuant to P.L. 1971, c. 136 (C.26:2H-1 et
27 seq.) and in accordance with standards developed jointly with the
Commissioner of Human Services.

29 cc. "Special psychiatric hospital" means a public or private
hospital licensed by the Department of Health to provide
31 voluntary and involuntary mental health services, including
assessment, care, supervision, treatment and rehabilitation
33 services to persons who are mentally ill.

dd. "Treatment team" means one or more persons, including at
35 least one psychiatrist or physician, and may include a
psychologist, social worker, nurse and other appropriate services
37 providers. A treatment team provides mental health services to
a patient of a screening service, short-term care or psychiatric
39 facility.

1 **ee. "Voluntary admission" means that adult who is mentally**
2 **ill, whose mental illness causes the person to be dangerous to self**
3 **or dangerous to others or property and is willing to be admitted**
4 **to a facility voluntarily for care, needs care at a short-term care**
5 **or psychiatric facility because other facilities or services are not**
6 **appropriate or available to meet the person's mental health**
7 **needs. A person may also be voluntarily admitted to a**
8 **psychiatric facility if his mental illness presents a substantial**
9 **likelihood of rapid deterioration in functioning in the near future,**
10 **there are no appropriate community alternatives available and**
11 **the psychiatric facility can admit the person and remain within**
12 **its rated capacity.**

13 **ff. "County adjuster" means the person appointed pursuant to**
14 **R.S. 30:4-34.**

15 **(cf: P.L.1987, c.116, s.2)**

16 **2. Section 12 of P.L.1987, c.116 (C.30:4-27.12) is amended to**
17 **read as follows:**

18 **12. A patient who is involuntarily committed to a short-term**
19 **care or psychiatric facility or special psychiatric hospital shall**
20 **receive a court hearing with respect to the issue of continuing**
21 **need for involuntary commitment within 20 days from initial**
22 **inpatient admission to the facility unless the patient has been**
23 **administratively discharged from the facility pursuant to section**
24 **17 of this act.**

25 **The assigned county counsel is responsible for presenting the**
26 **case for the patient's involuntary commitment to the court,**
27 **unless the county adjuster is licensed to practice law in this**
28 **State, in which case the county adjuster shall present the case for**
29 **the patient's involuntary commitment to the court.**

30 **A patient subject to involuntary commitment shall have**
31 **counsel present at the hearing and shall not be permitted to**
32 **appear at the hearing without counsel.**

33 **(cf: P.L.1987, c.116, s.12)**

34 **3. This act shall take effect immediately.**

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STATEMENT

37

38 **This bill amends the present law to specify that if a county**
39 **adjuster is licensed to practice law in this State, then the county**

1 **adjuster shall be responsible for presenting the case for**
2 **commitment to the court, instead of the county counsel. The**
3 **purpose of the bill is to rectify an oversight in the existing law**
4 **which fails to allocate the responsibility for representing the**
5 **State in a commitment proceeding, inasmuch as the county**
6 **adjuster is already vested with the statutory responsibility**
7 **pursuant to R.S.30:4-34 for the preparation of papers relating to**
8 **the commitment of the mentally ill and developmentally disabled,**
9 **the county adjuster is the logical person to present the matter to**
10 **the court when he can do so under the rules of the court, that is,**
11 **when the county adjuster is licensed to practice law in this State.**

12 **In addition, the bill adds the definition of "county adjuster" to**
13 **the definition section of P.L.1987, c.116 (C.30:4-27.1 et seq.),**
14 **from which it was previously omitted.**

15

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HUMAN SERVICES

Courts

19

20 **Provides that certain county adjusters shall present involuntary**
21 **commitment cases to courts.**

1 ee. "Voluntary admission" means that adult who is mentally
ill, whose mental illness causes the person to be dangerous to self
3 or dangerous to others or property and is willing to be admitted
to a facility voluntarily for care, needs care at a short-term care
5 or psychiatric facility because other facilities or services are not
appropriate or available to meet the person's mental health
7 needs. A person may also be voluntarily admitted to a
psychiatric facility if his mental illness presents a substantial
9 likelihood of rapid deterioration in functioning in the near future,
there are no appropriate community alternatives available and
11 the psychiatric facility can admit the person and remain within
its rated capacity.

13 ff. "County adjuster" means the person appointed pursuant to
R.S. 30:4-34.

15 (cf: P.L.1987, c.116, s.2)

2. Section 12 of P.L.1987, c.116 (C.30:4-27.12) is amended to
17 read as follows:

12. A patient who is involuntarily committed to a short-term
19 care or psychiatric facility or special psychiatric hospital shall
receive a court hearing with respect to the issue of continuing
21 need for involuntary commitment within 20 days from initial
inpatient admission to the facility unless the patient has been
23 administratively discharged from the facility pursuant to section
17 of this act.

25 The assigned county counsel is responsible for presenting the
case for the patient's involuntary commitment to the court,
27 unless the county adjuster is licensed to practice law in this
State, in which case the county adjuster shall present the case for
29 the patient's involuntary commitment to the court.

A patient subject to involuntary commitment shall have
31 counsel present at the hearing and shall not be permitted to
appear at the hearing without counsel.

33 (cf: P.L.1987, c.116, s.12)

3. This act shall take effect immediately.

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STATEMENT

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This bill amends the present law to specify that if a county
39 adjuster is licensed to practice law in this State, then the county

1 adjuster shall be responsible for presenting the case for
commitment to the court, instead of the county counsel. The
3 purpose of the bill is to rectify an oversight in the existing law
which fails to allocate the responsibility for representing the
5 State in a commitment proceeding. Inasmuch as the county
adjuster is already vested with the statutory responsibility
7 pursuant to R.S.30:4-34 for the preparation of papers relating to
the commitment of the mentally ill and developmentally disabled,
9 the county adjuster is the logical person to present the matter to
the court when he can do so under the rules of the court, that is,
11 when the county adjuster is licensed to practice law in this State.

 In addition, the bill adds the definition of "county adjuster" to
13 the definition section of P.L.1987, c.116 (C.30:4-27.1 et seq.),
from which it was previously omitted.

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HUMAN SERVICES

Courts

19

 Provides that certain county adjusters shall present involuntary
21 commitment cases to courts.

ASSEMBLY HEALTH AND HUMAN RESOURCES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3857

STATE OF NEW JERSEY

DATED: OCTOBER 27, 1988

The Assembly Health and Human Resources Committee favorably reports Assembly Bill No. 3857.

This bill amends P.L.1987, c.116 (C.30:4-27.1 et seq.), which revises the law governing involuntary civil commitment to psychiatric facilities, to specify that if a county adjuster is licensed to practice law in this State, then the county adjuster shall be responsible for presenting the case for commitment to the court, instead of the county counsel. The bill reflects the fact that the county adjuster is already vested with the statutory responsibility pursuant to R.S.30:4-34 for the preparation of papers relating to the commitment of the mentally ill and developmentally disabled.

The bill adds the definition of "county adjuster" to the definition section of P.L.1987, c.116, from which it was previously omitted.

This bill is identical to Senate Bill No. 2550 (DiFrancesco), which is currently pending in the Senate Institutions, Health and Welfare Committee.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3857

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 1989

The Senate Institutions, Health and Welfare Committee favorably reports Assembly Bill No. 3857.

This bill amends the recently enacted civil commitment law, P.L.1987, c.116, to specify that if a county adjuster is licensed to practice law in this State, then the county adjuster shall be responsible for presenting the case for commitment to the court, instead of the county counsel. The law currently provides that only the county counsel is responsible for presenting civil commitment cases to the court.

This bill is identical to Senate Bill No. 2550 (DiFrancesco), which the committee also reported favorably on this date.