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LAW/KR

P.L.2014, CHAPTER 43, *approved September 10, 2014*

Assembly, No. 865

1 AN ACT concerning involuntary commitment to treatment and
2 amending P.L.1987, c.116.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 10 of P.L.1987, c.116 (C.30:4-27.10) is amended to
8 read as follows:

9 10. a. (1) A short-term care or psychiatric facility or a special
10 psychiatric hospital shall initiate court proceedings for involuntary
11 commitment to inpatient or outpatient treatment by submitting to
12 the court a clinical certificate completed by a psychiatrist on the
13 patient's treatment team or an electronically scanned clinical
14 certificate in lieu of the original certificate, and the screening
15 certificate or an electronically scanned screening certificate in lieu
16 of the original certificate which authorized admission of the patient
17 to the facility; provided, however, that both certificates shall not be
18 signed by the same psychiatrist unless the psychiatrist has made a
19 reasonable but unsuccessful attempt to have another psychiatrist
20 conduct the evaluation and execute the certificate.

21 (2) A screening service or outpatient treatment provider shall
22 initiate court proceedings for commitment to outpatient treatment
23 by submitting to the court a clinical certificate completed by a
24 psychiatrist on the patient's treatment team or an electronically
25 scanned clinical certificate in lieu of the original certificate, and the
26 screening certificate or an electronically scanned screening
27 certificate in lieu of the original certificate which authorized
28 assignment of the patient to outpatient treatment with the outpatient
29 treatment provider; provided, however, that both certificates shall
30 not be signed by the same psychiatrist unless the psychiatrist has
31 made a reasonable but unsuccessful attempt to have another
32 psychiatrist conduct the evaluation and execute the certificate.

33 b. Court proceedings for the involuntary commitment to
34 treatment of any person not referred by a screening service may be
35 initiated by the submission to the court of two clinical certificates,
36 at least one of which is prepared by a psychiatrist. The person shall
37 not be involuntarily committed before the court issues a temporary
38 court order.

39 c. A court proceeding for involuntary commitment to treatment
40 of an inmate who is scheduled for release upon expiration of a
41 maximum term of incarceration shall be initiated by the Attorney
42 General or county prosecutor by submission to the court of two

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 clinical certificates, at least one of which is prepared by a
2 psychiatrist.

3 d. The Attorney General, in exercise of the State's authority as
4 parens patriae, may initiate a court proceeding for the involuntary
5 commitment to treatment of any person in accordance with the
6 procedures set forth in subsection a. or b. of this section. When the
7 Attorney General determines that the public safety requires
8 initiation of a proceeding pursuant to subsection b. of this section,
9 the Attorney General may apply to the court for an order
10 compelling the psychiatric evaluation of the person. The court shall
11 grant the Attorney General's application if the court finds that there
12 is reasonable cause to believe that the person may be in need of
13 involuntary commitment to treatment. The Attorney General may
14 delegate the authority granted pursuant to this subsection, on a case
15 by case basis, to the county prosecutor.

16 e. Any person who is a relative by blood or marriage of the
17 person being screened who executes a clinical certificate, or any
18 person who signs a clinical certificate for any purpose or motive
19 other than for purposes of care, treatment and confinement of a
20 person in need of involuntary commitment to treatment, shall be
21 guilty of a crime of the fourth degree.

22 f. Upon receiving these documents the court shall immediately
23 review them in order to determine whether there is probable cause
24 to believe that the person is in need of involuntary commitment to
25 treatment.

26 g. If the court finds that there is probable cause to believe that
27 the person, other than a person whose commitment is sought
28 pursuant to subsection c. of this section, is in need of involuntary
29 commitment to treatment, it shall issue a temporary order
30 authorizing the assignment of the person to an outpatient treatment
31 provider or the admission to or retention of the person in the
32 custody of the facility, that is both appropriate to the person's
33 condition and is the least restrictive environment, pending a final
34 hearing.

35 h. If the court finds that there is probable cause to believe that
36 a person whose commitment is sought pursuant to subsection c. of
37 this section is in need of involuntary commitment to treatment, it
38 shall issue an order setting a date for a final hearing and authorizing
39 the Commissioner of the Department of Corrections to arrange for
40 temporary commitment pursuant to section 2 of P.L.1986, c.71
41 (C.30:4-82.2) to the Ann Klein Forensic Center in Trenton or other
42 facility designated for the criminally insane pending the final
43 hearing and prior to the expiration of the person's term. The order
44 shall specifically provide for transfer of custody to the Ann Klein
45 Forensic Center in Trenton or other facility designated for the
46 criminally insane if the person's maximum term will expire prior to
47 the final hearing.

1 i. In the case of a person committed to treatment at a short-
2 term care facility or special psychiatric hospital, after the facility's
3 treatment team conducts a mental and physical examination,
4 administers appropriate treatment and prepares a discharge
5 assessment, the facility may transfer the patient to a psychiatric
6 facility prior to the final hearing; provided that: (1) the patient, his
7 family and his attorney are given 24 hours' advance notice of the
8 pending transfer; and (2) the transfer is accomplished in a manner
9 which will give the receiving facility adequate time to examine the
10 patient, become familiar with his behavior and condition and
11 prepare for the hearing. In no event shall the transfer be made less
12 than five days prior to the date of the hearing unless an unexpected
13 transfer is dictated by a change in the person's clinical condition.

14 j. A clinical certificate or screening certificate that is
15 electronically scanned pursuant to subsection a. or b. of this section
16 shall be transmitted in accordance with the Rules of Court.

17 (cf: P.L.2009, c.112, s.11)

18

19 2. This act shall take effect immediately.

20

21

22

23

24 Provides for electronic scanning of certain certificates for
25 initiating court proceedings for involuntary commitment.

ASSEMBLY, No. 865

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

SYNOPSIS

Provides for electronic scanning of certain certificates for initiating court proceedings for involuntary commitment.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning involuntary commitment to treatment and
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17 to the facility; provided, however, that both certificates shall not be
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21 (2) A screening service or outpatient treatment provider shall
22 initiate court proceedings for commitment to outpatient treatment
23 by submitting to the court a clinical certificate completed by a
24 psychiatrist on the patient's treatment team or an electronically
25 scanned clinical certificate in lieu of the original certificate, and the
26 screening certificate or an electronically scanned screening
27 certificate in lieu of the original certificate which authorized
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29 treatment provider; provided, however, that both certificates shall
30 not be signed by the same psychiatrist unless the psychiatrist has
31 made a reasonable but unsuccessful attempt to have another
32 psychiatrist conduct the evaluation and execute the certificate.

33 b. Court proceedings for the involuntary commitment to
34 treatment of any person not referred by a screening service may be
35 initiated by the submission to the court of two clinical certificates,
36 at least one of which is prepared by a psychiatrist. The person shall
37 not be involuntarily committed before the court issues a temporary
38 court order.

39 c. A court proceeding for involuntary commitment to treatment
40 of an inmate who is scheduled for release upon expiration of a
41 maximum term of incarceration shall be initiated by the Attorney
42 General or county prosecutor by submission to the court of two
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44 psychiatrist.

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Matter underlined thus is new matter.

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2 *parens patriae*, may initiate a court proceeding for the involuntary
3 commitment to treatment of any person in accordance with the
4 procedures set forth in subsection a. or b. of this section. When the
5 Attorney General determines that the public safety requires
6 initiation of a proceeding pursuant to subsection b. of this section,
7 the Attorney General may apply to the court for an order
8 compelling the psychiatric evaluation of the person. The court shall
9 grant the Attorney General's application if the court finds that there
10 is reasonable cause to believe that the person may be in need of
11 involuntary commitment to treatment. The Attorney General may
12 delegate the authority granted pursuant to this subsection, on a case
13 by case basis, to the county prosecutor.

14 e. Any person who is a relative by blood or marriage of the
15 person being screened who executes a clinical certificate, or any
16 person who signs a clinical certificate for any purpose or motive
17 other than for purposes of care, treatment and confinement of a
18 person in need of involuntary commitment to treatment, shall be
19 guilty of a crime of the fourth degree.

20 f. Upon receiving these documents the court shall immediately
21 review them in order to determine whether there is probable cause
22 to believe that the person is in need of involuntary commitment to
23 treatment.

24 g. If the court finds that there is probable cause to believe that
25 the person, other than a person whose commitment is sought
26 pursuant to subsection c. of this section, is in need of involuntary
27 commitment to treatment, it shall issue a temporary order
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30 custody of the facility, that is both appropriate to the person's
31 condition and is the least restrictive environment, pending a final
32 hearing.

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34 a person whose commitment is sought pursuant to subsection c. of
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47 term care facility or special psychiatric hospital, after the facility's

1 treatment team conducts a mental and physical examination,
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11 transfer is dictated by a change in the person's clinical condition.

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15 (cf: P.L.2009, c.112, s.11)

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STATEMENT

21

22 This bill provides for the option of electronically scanning
23 certain certificates to a court for the purpose of initiating court
24 proceedings for involuntary commitment to treatment, rather than
25 the submission of only original certificates as is currently required.

26 The bill amends current law to give a short-term care facility,
27 psychiatric facility, or special psychiatric hospital the option of
28 initiating court proceedings for involuntary commitment to inpatient
29 or outpatient treatment by submitting an electronically scanned
30 clinical certificate completed by a psychiatrist and the screening
31 certificate which authorized admission of the patient to the facility
32 or hospital.

33 The bill provides for similar electronic filings of clinical and
34 screening certificates in the case of a screening service or outpatient
35 treatment provider initiating court proceedings for involuntary
36 commitment to outpatient treatment. Additionally, the bill specifies
37 that the certificates are to be transmitted in accordance with the
38 Rules of Court.

39 It is anticipated that the provisions of this bill will help to
40 expedite the processing of civil commitments and save costs for
41 both facilities and courts.

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 865

STATE OF NEW JERSEY

DATED: MARCH 10, 2014

The Assembly Human Services Committee reports favorably Assembly Bill No. 865.

This bill provides for the option of electronically scanning certain certificates to a court for the purpose of initiating court proceedings for involuntary commitment to treatment, rather than the submission of only original certificates as is currently required.

The bill amends current law to give a short-term care facility, psychiatric facility, or special psychiatric hospital the option of initiating court proceedings for involuntary commitment to inpatient or outpatient treatment by submitting an electronically scanned clinical certificate completed by a psychiatrist and the screening certificate which authorized admission of the patient to the facility or hospital.

The bill provides for similar electronic filings of clinical and screening certificates in the case of a screening service or outpatient treatment provider initiating court proceedings for involuntary commitment to outpatient treatment. Additionally, the bill specifies that the certificates are to be transmitted in accordance with the Rules of Court.

This bill was pre-filed for introduction in the 2014-2015 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 865

STATE OF NEW JERSEY

DATED: JUNE 16, 2014

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 865.

This bill provides for the option of electronically scanning certain certificates to a court for the purpose of initiating court proceedings for involuntary commitment to treatment, rather than the submission of only original certificates as is currently required.

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It is anticipated that the provisions of this bill will help to expedite the processing of civil commitments and save costs for both facilities and courts.

As reported, this bill is identical to Senate Bill No. 299 (Rice/Pou), which was also reported by the committee on this date.

SENATE, No. 299

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Senator RONALD L. RICE

District 28 (Essex)

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

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STATEMENT TO

SENATE, No. 299

STATE OF NEW JERSEY

DATED: JUNE 16, 2014

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 299.

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As reported, this bill is identical to Assembly Bill No. 865 (Sumter/Wimberly/Vainieri Huttle), which was also reported by the committee on this date.