

ASSEMBLY, No. 2866

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Requires court order to transfer person awaiting hearing for involuntary commitment from private hospital to State psychiatric hospital.

CURRENT VERSION OF TEXT

As introduced.



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:*

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

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 d. The Attorney General, in exercise of the State's authority as
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
28 authorizing the assignment of the person to an outpatient treatment
29 provider or the admission to or retention of the person in the
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.

33 If the person is admitted to or retained in a private hospital
34 licensed by the Department of Health to provide mental health
35 services pending the final hearing, the person shall not be
36 transferred to a State psychiatric facility listed in R.S.30:1-7 unless
37 the court has issued an order transferring the person to a State
38 psychiatric facility.

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

1 Forensic Center in Trenton or other facility designated for the
2 criminally insane if the person's maximum term will expire prior to
3 the final hearing.

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

17 j. A clinical certificate or screening certificate that is
18 electronically scanned pursuant to subsection a. or b. of this section
19 shall be transmitted in accordance with the Rules of Court.
20 (cf: P.L.2014, c.43, s.1)

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22 2. This act shall take effect on the first day of the fourth month
23 next following the date of enactment.

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STATEMENT

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28 This bill provides that if a person is admitted to or retained in a
29 private hospital licensed to provide mental health services pending
30 a final court hearing to determine whether the person needs
31 involuntary commitment, the person shall not be transferred to a
32 State psychiatric facility unless the court has issued an order
33 transferring the person to a State psychiatric facility.