

## AN ACT

1 Amending the act of July 9, 1976 (P.L.817, No.143), entitled "An  
2 act relating to mental health procedures; providing for the  
3 treatment and rights of mentally disabled persons, for  
4 voluntary and involuntary examination and treatment and for  
5 determinations affecting those charged with crime or under  
6 sentence," in voluntary examination and treatment, further  
7 providing for persons who may authorize voluntary treatment,  
8 for notice to parents and for withdrawal from voluntary  
9 inpatient treatment.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. Sections 201, 204 and 206(b) of the act of July  
13 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures  
14 Act, are amended to read:

15 Section 201. Persons Who May Authorize Voluntary  
16 Treatment.--Any person [14] 18 years of age or over who believes  
17 that he is in need of treatment and substantially understands  
18 the nature of voluntary treatment may submit himself to  
19 examination and treatment under this act, provided that the  
20 decision to do so is made voluntarily. A parent, guardian, or  
21 person standing in loco parentis to a child less than [14] 18

1 years of age may subject such child to examination and treatment  
2 under this act, and in so doing shall be deemed to be acting for  
3 the child. Except as otherwise authorized in this act, all of  
4 the provisions of this act governing examination and treatment  
5 shall apply.

6 [Section 204. Notice to Parents.--Upon the acceptance of an  
7 application for examination and treatment by a minor 14 years or  
8 over but less than 18 years of age, the director of the facility  
9 shall promptly notify the minor's parents, guardian, or person  
10 standing in loco parentis, and shall inform them of the right to  
11 be heard upon the filing of an objection. Whenever such  
12 objection is filed, a hearing shall be held within 72 hours by a  
13 judge or mental health review officer, who shall determine  
14 whether or not the voluntary treatment is in the best interest  
15 of the minor.]

16 Section 206. Withdrawal from Voluntary Inpatient  
17 Treatment.--\* \* \*

18 (b) If the person is under the age of [14] 18, his parent,  
19 legal guardian, or person standing in loco parentis may effect  
20 his release. If any responsible party believes that it would be  
21 in the best interest of a person under [14] 18 years of age in  
22 voluntary treatment to be withdrawn therefrom or afforded  
23 treatment constituting a less restrictive alternative, such  
24 party may file a petition in the Juvenile Division of the court  
25 of common pleas for the county in which the person under [14] 18  
26 years of age resides, requesting a withdrawal from or  
27 modification of treatment. The court shall promptly appoint an  
28 attorney for such minor person and schedule a hearing to  
29 determine what inpatient treatment, if any, is in the minor's  
30 best interest. The hearing shall be held within ten days of

1 receipt of the petition, unless continued upon the request of  
2 the attorney for such minor. The hearing shall be conducted in  
3 accordance with the rules governing other Juvenile Court  
4 proceedings.

5 \* \* \*

6 Section 2. This act shall take effect in 60 days.

