An Act

ENROLLED HOUSE
BILL NO. 2580

By: McDaniel (Jeannie) of the House

and

Crain and Johnson (Constance) of the Senate

An Act relating to mental health; amending 43A O.S. 2011, Section 5-410, which relates to a petition regarding a person requiring treatment; expanding list of family members authorized to file a petition regarding a person requiring treatment; and providing an effective date.

SUBJECT: Mental health petitions

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 43A O.S. 2011, Section 5-410, is amended to read as follows:

Section 5-410. A. The following persons may file or request the district attorney to file a petition with the district court, upon which is hereby conferred jurisdiction, to determine whether an individual is a person requiring treatment, and to order the least restrictive appropriate treatment for the person:

1. A treatment advocate as defined in Section 1-109.1 of this title;

2. The father, mother, husband, wife, grandparent, brother, sister, guardian or child, over the age of eighteen (18) years, of an individual alleged to be a person requiring treatment;

3. A licensed mental health professional;

4. The executive director of a facility designated by the Commissioner of Mental Health and Substance Abuse Services as appropriate for emergency detention;

5. An administrator of a hospital that is approved by the Joint Commission on Accreditation of Healthcare Organizations; provided, however, in any involuntary commitment procedure in which a hospital is the petitioner pursuant to the provisions of this section, the hospital may participate in such hearing without retaining their own legal counsel if the hospital provides as a witness a mental health therapist or a licensed mental health professional;

6. A person in charge of any correctional institution;

7. Any peace officer within the county in which the individual alleged to be a person requiring treatment resides or may be found; or

8. The district attorney in whose district the person resides or may be found.

B. The petition shall contain a statement of the facts upon which the allegation is based and, if known, the names and addresses of any witnesses to the alleged facts.

1. The petition shall be verified and made under penalty of perjury.

2. A request for the prehearing detention of the individual alleged to be a person requiring treatment may be attached to the petition.

3. If the individual alleged to be a person requiring treatment is being held in emergency detention, a copy of the mental health evaluation shall be attached to the petition.

C. The inpatient mental health treatment of minors shall be pursuant to the provisions of the Inpatient Mental Health and Substance Abuse Treatment of Minors Act.

SECTION 2. This act shall become effective November 1, 2012.

Passed the House of Representatives the 7th day of March, 2012.

Presiding Officer of the House of Representatives

Passed the Senate the 3rd day of April, 2012.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 4th

day of April, **20** 12,

at 3:14 **o'clock** P **M.**

By: Jessica R. Ayers

Approved by the Governor of the State of Oklahoma the 9th **day of** April, **20** 12, **at** 2:11 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

9th **day of** April, **20** 12,

at 4:53 **o'clock** P. **M.**

By: Michelle R. Day