

H.203

Introduced by Representatives Donahue of Northfield, Batchelor of Derby,  
Burditt of West Rutland, Frank of Underhill, French of  
Randolph, Hooper of Montpelier and McFaun of Barre Town  
Referred to Committee on

Date:

Subject: Health; mental health; admission procedures; involuntary; hearing

Statement of purpose: This bill proposes to require a probable cause hearing  
after a person is admitted to a hospital involuntarily as a person in need of  
mental health treatment.

An act relating to probable cause hearings for mental health admissions

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 7510 is amended to read:

§ 7510. PRELIMINARY HEARING

(a) ~~Within five days after a person is admitted to a designated hospital for  
emergency examination, he or she may request the criminal division of the  
superior court to conduct a preliminary hearing to determine whether there is  
probable cause to believe that he or she was a person in need of treatment at  
the time of his or her admission.~~ No individual who is admitted to a hospital  
or secure residential facility under subsection 7504(a) of this chapter shall be

1 held involuntarily without a preliminary hearing establishing probable cause  
2 that the individual met the criteria of a person in need of treatment, both at the  
3 time of admission and the time of the hearing and application for treatment  
4 required under subdivision 7508(d)(2) of this chapter.

5 (b) ~~The court shall conduct the hearing within three working days of the~~  
6 ~~filing of the request. The court shall cause timely notice of the preliminary~~  
7 ~~hearing to be given to the patient or his or her attorney, the hospital and the~~  
8 ~~attorney for the applicant.~~ [Repealed]

9 (c) The individual has the right to be present and represented by legal  
10 counsel at the preliminary hearing.

11 (d) If probable cause to believe that the individual was a person in need of  
12 treatment at the time of his or her admission is established at the preliminary  
13 hearing, the individual shall be ordered held for further proceedings in  
14 accordance with the law. If probable cause is not established, the individual  
15 shall be ordered discharged from the hospital or secure residential facility and  
16 the court shall order him or her returned to the place from which he or she was  
17 transported or to his or her home.

18 (e) Upon a showing of need the court may grant a reasonable continuance  
19 to either the patient's attorney or the attorney for the state.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2011.