

FIRST REGULAR SESSION

# HOUSE BILL NO. 929

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CORNEJO (Sponsor),  
JONES (50) AND ROWDEN (Co-sponsors).

2116L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 56.700, 631.165, 632.005, 632.150, 632.155, 632.300, 632.305, 632.330, 632.335, 632.337, 632.340, 632.350, 632.355, 632.375, 632.390, and 632.430, RSMo, and to enact in lieu thereof sixteen new sections relating to mental health services.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 56.700, 631.165, 632.005, 632.150, 632.155, 632.300, 632.305, 632.330, 632.335, 632.337, 632.340, 632.350, 632.355, 632.375, 632.390, and 632.430, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 56.700, 631.165, 632.005, 632.150, 632.155, 632.300, 632.305, 632.330, 632.335, 632.337, 632.340, 632.350, 632.355, 632.375, 632.390, and 632.430, to read as follows:

56.700. 1. The prosecuting attorney in each county of the second, third, or fourth class, **or any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants**, which contains a mental health facility able to serve at least eighty persons on an overnight, inpatient basis at any one time, and which is operated by the state department of mental health, division of psychiatric services, may employ an assistant prosecuting attorney to assist in carrying out the duties of the office of prosecuting attorney relating to mental health and mental health facilities. The assistant prosecuting attorney authorized by this subsection shall be in addition to any other assistant prosecuting attorney authorized by law. The assistant prosecuting attorney employed under this subsection shall receive an annual compensation of fifteen thousand dollars payable out of the state treasury from funds appropriated for that purpose.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12           2. The county counselor or circuit attorney in each county of the first class with a charter  
13 form of government containing part of a city with a population of over four hundred fifty  
14 thousand and in each city not within a county may employ an assistant county counselor or  
15 circuit attorney to assist in carrying out the duties of the office of the county counselor or circuit  
16 attorney relating to mental health and mental health facilities. The assistant authorized by this  
17 subsection shall be in addition to any other assistants authorized by law. The assistant county  
18 counselor or circuit attorney employed under this subsection shall receive an annual  
19 compensation of fifteen thousand dollars payable out of the state treasury from funds  
20 appropriated for that purpose.

21           3. The prosecuting attorney in each county of the second, third, or fourth class, **or any**  
22 **county of the first classification with more than one hundred fifty thousand but fewer than**  
23 **two hundred thousand inhabitants**, which contains a mental health facility able to serve at  
24 least eighty persons on an overnight, inpatient basis at any one time, and which is operated by  
25 the state department of mental health, division of psychiatric services, may employ additional  
26 investigative and clerical personnel to assist in carrying out the duties of the office of prosecuting  
27 attorney relating to mental health and mental health facilities. The investigative and clerical  
28 personnel authorized by this subsection shall be in addition to any other personnel authorized by  
29 law. The compensation for such additional investigative and clerical personnel, not to exceed  
30 a total of fifteen thousand dollars annually for each eligible county, shall be paid out of the state  
31 treasury from funds appropriated for that purpose.

32           4. The county counselor or circuit attorney in each county of the first class with a charter  
33 form of government containing part of a city with a population of over four hundred fifty  
34 thousand and in each city not within a county may employ additional investigative and clerical  
35 personnel to assist in carrying out the duties of the office of the county counselor or circuit  
36 attorney relating to mental health and mental health facilities. The investigative and clerical  
37 personnel authorized by this subsection shall be in addition to any other personnel authorized by  
38 law. The compensation for such additional investigative and clerical personnel, not to exceed  
39 a total of fifteen thousand dollars annually for each eligible county or city not within a county,  
40 shall be paid out of the state treasury from funds appropriated for that purpose.

631.165. If the head of the alcohol or drug abuse facility finds that a person who is  
2 detained for treatment and rehabilitation is presenting a likelihood of serious harm as a result of  
3 mental disorder other than alcohol or drug abuse, or both, **or is gravely disabled**, the head of the  
4 facility shall arrange for the transfer of the person to a mental health facility through a mental  
5 health coordinator, or through a licensed physician, registered professional nurse, qualified  
6 counselor or mental health professional designated by the mental health facility. The person may  
7 be detained for up to ninety-six hours for evaluation and treatment, under the procedures of

8 sections 632.310, 632.315, 632.320 and 632.325, before filing a petition for further detention  
9 under sections 632.330 and 632.335.

632.005. As used in chapter 631 and this chapter, unless the context clearly requires  
2 otherwise, the following terms shall mean:

3 (1) "Comprehensive psychiatric services", any one, or any combination of two or more,  
4 of the following services to persons affected by mental disorders other than intellectual  
5 disabilities or developmental disabilities: inpatient, outpatient, day program or other partial  
6 hospitalization, emergency, diagnostic, treatment, liaison, follow-up, consultation, education,  
7 rehabilitation, prevention, screening, transitional living, medical prevention and treatment for  
8 alcohol abuse, and medical prevention and treatment for drug abuse;

9 (2) "Council", the Missouri advisory council for comprehensive psychiatric services;

10 (3) "Court", the court which has jurisdiction over the respondent or patient;

11 (4) "Division", the division of comprehensive psychiatric services of the department of  
12 mental health;

13 (5) "Division director", director of the division of comprehensive psychiatric services  
14 of the department of mental health, or his designee;

15 (6) **"Gravely disabled", a condition in which a person, as a result of mental illness  
16 or mental disorder, lacks judgment in the management of his or her resources and in the  
17 conduct of his or her social relations to the extent that his or her health or safety is  
18 significantly endangered and he or she lacks the capacity to understand that this is so. A  
19 person of any age can be gravely disabled, but such term shall not include a person who  
20 has a developmental disability by reason of the person's developmental disability alone;**

21 (7) "Head of mental health facility", superintendent or other chief administrative officer  
22 of a mental health facility, or his designee;

23 [(7)] (8) "Judicial day", any Monday, Tuesday, Wednesday, Thursday or Friday when  
24 the court is open for business, but excluding Saturdays, Sundays and legal holidays;

25 [(8)] (9) "Licensed physician", a physician licensed pursuant to the provisions of chapter  
26 334 or a person authorized to practice medicine in this state pursuant to the provisions of section  
27 334.150;

28 [(9)] (10) "Licensed professional counselor", a person licensed as a professional  
29 counselor under chapter 337 and with a minimum of one year training or experience in providing  
30 psychiatric care, treatment, or services in a psychiatric setting to individuals suffering from a  
31 mental disorder;

32 [(10)] (11) "Likelihood of serious harm" means any one or more of the following but  
33 does not require actual physical injury to have occurred:

34 (a) A substantial risk that serious physical harm will be inflicted by a person upon his  
35 own person, as evidenced by recent threats, including verbal threats, or attempts to commit  
36 suicide or inflict physical harm on himself. Evidence of substantial risk may also include  
37 information about patterns of behavior that historically have resulted in serious harm previously  
38 being inflicted by a person upon himself; **or**

39 (b) A substantial risk that serious physical harm to a person will result or is occurring  
40 because of an impairment in his capacity to make decisions with respect to his hospitalization  
41 and need for treatment as evidenced by his current mental disorder or mental illness which  
42 results in an inability to provide for his own basic necessities of food, clothing, shelter, safety  
43 or medical care or his inability to provide for his own mental health care which may result in a  
44 substantial risk of serious physical harm. Evidence of that substantial risk may also include  
45 information about patterns of behavior that historically have resulted in serious harm to the  
46 person previously taking place because of a mental disorder or mental illness which resulted in  
47 his inability to provide for his basic necessities of food, clothing, shelter, safety or medical or  
48 mental health care; or

49 (c) A substantial risk that serious physical harm will be inflicted by a person upon  
50 another as evidenced by recent overt acts, behavior or threats, including verbal threats, which  
51 have caused such harm or which would place a reasonable person in reasonable fear of sustaining  
52 such harm. Evidence of that substantial risk may also include information about patterns of  
53 behavior that historically have resulted in physical harm previously being inflicted by a person  
54 upon another person;

55 [(11)] **(12)** "Mental health coordinator", a mental health professional who has knowledge  
56 of the laws relating to hospital admissions and civil commitment and who is authorized by the  
57 director of the department, or his designee, to serve a designated geographic area or mental  
58 health facility and who has the powers, duties and responsibilities provided in this chapter;

59 [(12)] **(13)** "Mental health facility", any residential facility, public or private, or any  
60 public or private hospital, which can provide evaluation, treatment and, inpatient care to persons  
61 suffering from a mental disorder or mental illness and which is recognized as such by the  
62 department or any outpatient treatment program certified by the department of mental health.  
63 No correctional institution or facility, jail, regional center or developmental disability facility  
64 shall be a mental health facility within the meaning of this chapter;

65 [(13)] **(14)** "Mental health professional", a psychiatrist, resident in psychiatry,  
66 psychologist, psychiatric nurse, licensed professional counselor, or psychiatric social worker;

67 [(14)] **(15)** "Mental health program", any public or private residential facility, public or  
68 private hospital, public or private specialized service or public or private day program that can  
69 provide care, treatment, rehabilitation or services, either through its own staff or through

70 contracted providers, in an inpatient or outpatient setting to persons with a mental disorder or  
71 mental illness or with a diagnosis of alcohol abuse or drug abuse which is recognized as such by  
72 the department. No correctional institution or facility or jail may be a mental health program  
73 within the meaning of this chapter;

74 [(15)] (16) "Ninety-six hours" shall be construed and computed to exclude Saturdays,  
75 Sundays and legal holidays which are observed either by the court or by the mental health facility  
76 where the respondent is detained;

77 [(16)] (17) "Peace officer", a sheriff, deputy sheriff, county or municipal police officer  
78 or highway patrolman;

79 [(17)] (18) "Psychiatric nurse", a registered professional nurse who is licensed under  
80 chapter 335 and who has had at least two years of experience as a registered professional nurse  
81 in providing psychiatric nursing treatment to individuals suffering from mental disorders;

82 [(18)] (19) "Psychiatric social worker", a person with a master's or further advanced  
83 degree from an accredited school of social work, practicing pursuant to chapter 337, and with  
84 a minimum of one year training or experience in providing psychiatric care, treatment or services  
85 in a psychiatric setting to individuals suffering from a mental disorder;

86 [(19)] (20) "Psychiatrist", a licensed physician who in addition has successfully  
87 completed a training program in psychiatry approved by the American Medical Association, the  
88 American Osteopathic Association or other training program certified as equivalent by the  
89 department;

90 [(20)] (21) "Psychologist", a person licensed to practice psychology under chapter 337  
91 with a minimum of one year training or experience in providing treatment or services to mentally  
92 disordered or mentally ill individuals;

93 [(21)] (22) "Resident in psychiatry", a licensed physician who is in a training program  
94 in psychiatry approved by the American Medical Association, the American Osteopathic  
95 Association or other training program certified as equivalent by the department;

96 [(22)] (23) "Respondent", an individual against whom involuntary civil detention  
97 proceedings are instituted pursuant to this chapter;

98 [(23)] (24) "Treatment", any effort to accomplish a significant change in the mental or  
99 emotional conditions or the behavior of the patient consistent with generally recognized  
100 principles or standards in the mental health professions.

632.150. 1. A voluntary patient who has applied for his own admission may request his  
2 release either orally or in writing to the head of the mental health facility and shall be released  
3 immediately; except, that if the head of the facility determines that he is mentally disordered and,  
4 as a result, presents a likelihood of serious physical harm to himself or others **or is gravely**  
5 **disabled**, the head of the facility may refuse the request for release.

6           2. If the request for release is refused, the mental health facility may detain the person  
7 only if a mental health coordinator, a licensed physician, a registered professional nurse  
8 designated by the facility and approved by the department, a mental health professional or a  
9 peace officer completes an application for detention for evaluation and treatment to begin the  
10 involuntary detention of the patient under this chapter.

632.155. 1. A voluntary patient who is a minor and who requests his release either orally  
2 or in writing, or whose release is requested in writing to the head of the facility by his parent,  
3 spouse, adult next of kin, or person entitled to his custody, shall be released immediately; except,  
4 that if the patient was admitted on the application of another person, his release shall be  
5 conditioned upon receiving the consent of the person applying for his admission.

6           2. If the head of the mental health facility determines that the minor is mentally  
7 disordered and, as a result, presents a likelihood of serious physical harm to himself or others **or**  
8 **is gravely disabled**, the head of the facility may refuse the release. The mental health facility  
9 may detain the minor only if a mental health coordinator, a licensed physician, a mental health  
10 professional or a registered professional nurse designated by the facility and approved by the  
11 department completes an application for detention for evaluation and treatment to begin the  
12 involuntary detention of the minor under this chapter or, if appropriate, the minor is detained in  
13 the facility under the provisions of chapter 211.

632.300. 1. When a mental health coordinator receives information alleging that a  
2 person, as the result of a mental disorder, presents a likelihood of serious harm to himself or  
3 others **or that the person is gravely disabled**, he shall:

- 4           (1) Conduct an investigation;
- 5           (2) Evaluate the allegations and the data developed by investigation; and
- 6           (3) Evaluate the reliability and credibility of all sources of information.

7           2. If, as the result of personal observation or investigation, the mental health coordinator  
8 has reasonable cause to believe that such person is mentally disordered and, as a result, presents  
9 a likelihood of serious harm to himself or others **or that the person is gravely disabled**, the  
10 mental health coordinator may file an application with the court having probate jurisdiction  
11 pursuant to the provisions of section 632.305; provided, however, that should the mental health  
12 coordinator have reasonable cause to believe, as the result of personal observation or  
13 investigation, that the likelihood of serious harm by such person to himself or others as a result  
14 of a mental disorder is imminent unless the person is immediately taken into custody, **or the**  
15 **person is gravely disabled and there exists an imminent risk to the person's health or safety**  
16 **unless such person is immediately taken into custody**, the mental health coordinator shall  
17 request a peace officer to take or cause such person to be taken into custody and transported to  
18 a mental health facility in accordance with the provisions of subsection 3 of section 632.305.

19           3. If the mental health coordinator determines that involuntary commitment is not  
20 appropriate, he should inform either the person, his family or friends about those public and  
21 private agencies and courts which might be of assistance.

          632.305. 1. An application for detention for evaluation and treatment may be executed  
2 by any adult person, who need not be an attorney or represented by an attorney, including the  
3 mental health coordinator, on a form provided by the court for such purpose, and must allege  
4 under oath that the applicant has reason to believe that the respondent is suffering from a mental  
5 disorder and presents a likelihood of serious harm to himself or to others **or is gravely disabled**.  
6 The application must specify the factual information on which such belief is based and should  
7 contain the names and addresses of all persons known to the applicant who have knowledge of  
8 such facts through personal observation.

9           2. The filing of a written application in court by any adult person, who need not be an  
10 attorney or represented by an attorney, including the mental health coordinator, shall authorize  
11 the applicant to bring the matter before the court on an ex parte basis to determine whether the  
12 respondent should be taken into custody and transported to a mental health facility. The  
13 application may be filed in the court having probate jurisdiction in any county where the  
14 respondent may be found. If the court finds that there is probable cause, either upon testimony  
15 under oath or upon a review of affidavits, to believe that the respondent may be suffering from  
16 a mental disorder and presents a likelihood of serious harm to himself or others **or is gravely**  
17 **disabled**, it shall direct a peace officer to take the respondent into custody and transport him to  
18 a mental health facility for detention for evaluation and treatment for a period not to exceed  
19 ninety-six hours unless further detention and treatment is authorized pursuant to this chapter.  
20 Nothing herein shall be construed to prohibit the court, in the exercise of its discretion, from  
21 giving the respondent an opportunity to be heard.

22           3. A mental health coordinator may request a peace officer to take or a peace officer may  
23 take a person into custody for detention for evaluation and treatment for a period not to exceed  
24 ninety-six hours only when such mental health coordinator or peace officer has reasonable cause  
25 to believe that such person is suffering from a mental disorder and that the likelihood of serious  
26 harm by such person to himself or others is imminent unless such person is immediately taken  
27 into custody **or the person is gravely disabled and there exists an imminent risk to the**  
28 **person's health or safety unless such person is immediately taken into custody**. Upon arrival  
29 at the mental health facility, the peace officer or mental health coordinator who conveyed such  
30 person or caused him to be conveyed shall either present the application for detention for  
31 evaluation and treatment upon which the court has issued a finding of probable cause and the  
32 respondent was taken into custody or complete an application for initial detention for evaluation  
33 and treatment for a period not to exceed ninety-six hours which shall be based upon his own

34 personal observations or investigations and shall contain the information required in subsection  
35 1 of this section.

36 4. If a person presents himself or is presented by others to a mental health facility and  
37 a licensed physician, a registered professional nurse or a mental health professional designated  
38 by the head of the facility and approved by the department for such purpose has reasonable cause  
39 to believe that the person is mentally disordered and presents an imminent likelihood of serious  
40 harm to himself or others unless he is accepted for detention, **or the person is gravely disabled**  
41 **and there exists an imminent risk to the person's health or safety unless such person is**  
42 **accepted for detention**, the licensed physician, the mental health professional or the registered  
43 professional nurse designated by the facility and approved by the department may complete an  
44 application for detention for evaluation and treatment for a period not to exceed ninety-six hours.  
45 The application shall be based on his own personal observations or investigation and shall  
46 contain the information required in subsection 1 of this section.

632.330. 1. At the expiration of the ninety-six hour period, the respondent may be  
2 detained and treated involuntarily for an additional two judicial days only if the head of the  
3 mental health facility or a mental health coordinator either has filed a petition for additional  
4 inpatient detention and treatment not to exceed twenty-one days or has filed a petition for  
5 outpatient detention and treatment for a period not to exceed one hundred eighty days.

6 2. Within ninety-six hours following initial detention, the head of the facility or the  
7 mental health coordinator may file or cause to be filed either a petition for a twenty-one-day  
8 inpatient involuntary detention and treatment period or a petition for outpatient detention and  
9 treatment for a period not to exceed one hundred eighty days, provided he has reasonable cause  
10 to believe that the person is mentally ill and as a result presents a likelihood of serious harm to  
11 himself or others **or is gravely disabled**. The court shall serve the petition and list of  
12 prospective witnesses for the petitioner upon the respondent and his attorney at least twenty-four  
13 hours before the hearing. The head of the facility shall also notify the mental health coordinator  
14 if the petition is not filed by the mental health coordinator. The petition shall:

15 (1) Allege that the respondent, by reason of mental illness, presents a likelihood of  
16 serious harm to himself or to others **or is gravely disabled**;

17 (2) Allege that the respondent is in need of continued detention and treatment either on  
18 an inpatient basis or on an outpatient basis;

19 (3) Allege the specific behavior of the respondent or the facts which support such  
20 conclusion;

21 (4) Affirm that attempts were made to provide necessary care, treatment and services in  
22 the least restrictive environment to the respondent on a voluntary basis, but either the petitioner  
23 believes that the respondent lacks the capacity to voluntarily consent to care, treatment and

24 services or the respondent refuses to voluntarily consent to care, treatment and services such that  
25 proceeding with a petition for the respondent's civil detention in the least restrictive environment  
26 is necessary;

27 (5) Allege that there will be appropriate support from family, friends, case managers or  
28 others during the period of outpatient detention and treatment in the community if such  
29 commitment is sought;

30 (6) Specify the mental health program that is appropriate to handle the respondent's  
31 condition and that has agreed to accept the respondent;

32 (7) Specify the range of care, treatment and services that shall be provided to the  
33 respondent if the petition for further detention is sustained by the court;

34 (8) Name the entities that have agreed to fund and provide the specified interventions;  
35 and

36 (9) Be verified by a psychiatrist or by a licensed physician and a mental health  
37 professional who have examined the respondent.

38 3. The petitioner shall consider whether based on the respondent's condition and  
39 treatment history, the respondent meets the criteria in chapter 475, so that appointment of a full  
40 or limited guardian or conservator is appropriate for the court to consider, and if deemed so, the  
41 petitioner then shall proceed as specified in subsection 4 of this section.

42 4. If the head of the mental health facility, or his designee, or the mental health  
43 coordinator believes that the respondent, because of a mental illness or mental disorder, may be  
44 incapacitated or disabled as defined in chapter 475, the head of the mental health facility or  
45 mental health coordinator shall cause a petition to be filed pursuant to section 475.060 and  
46 section 475.061, if applicable, with the court having probate jurisdiction as determined by  
47 section 475.035. In addition, if the head of the mental health facility, his designee or the mental  
48 health coordinator believes it appropriate, he shall proceed with obtaining an order for the  
49 respondent's temporary emergency detention as provided for in section 475.355. Furthermore,  
50 the hearing on the petition filed pursuant to chapter 475 shall be conducted pursuant to the  
51 requirements of section 475.075 and other appropriate sections of chapter 475, and shall be held  
52 within two judicial days after termination of the ninety-six-hour civil detention period unless  
53 continued for good cause shown. Nothing contained in this subsection shall restrict or prohibit  
54 the head of the mental health facility, his designee or the mental health coordinator from  
55 proceeding under the appropriate provisions of this chapter if the petition for guardianship or  
56 conservatorship is denied.

632.335. 1. The petition for additional inpatient detention and treatment not to exceed  
2 twenty-one days or the petition for outpatient detention and treatment not to exceed one hundred  
3 eighty days shall be filed with the court having probate jurisdiction. At the time of filing the

4 petition, the court clerk shall set a date and time for the hearing which shall take place within two  
5 judicial days of the filing of the petition. The clerk shall promptly notify the respondent, his  
6 attorney, the petitioner and the petitioner's attorney of the date and time for the hearing. The  
7 court shall not grant continuances except upon a showing of good and sufficient cause. If a  
8 continuance is granted, the court, in its discretion, may order the person released pending the  
9 hearing upon conditions prescribed by the court. The court may order the continued detention  
10 and treatment of the person at a mental health facility pending the continued hearing, and a copy  
11 of such order shall be furnished to the facility.

12 2. The hearing shall be conducted in as informal a manner as may be consistent with  
13 orderly procedure and in a physical setting not likely to have a harmful effect on the respondent.  
14 Due consideration shall be given by the court to holding a hearing at the mental health facility.  
15 The respondent shall have the following rights in addition to those specified elsewhere:

- 16 (1) To be represented by an attorney;
- 17 (2) To present evidence on his own behalf;
- 18 (3) To cross-examine witnesses who testify against him;
- 19 (4) To remain silent;
- 20 (5) To view and copy all petitions and reports in the court file of his case;
- 21 (6) To have the hearing open or closed to the public as he elects;
- 22 (7) To be proceeded against according to the rules of evidence applicable to civil judicial  
23 proceedings;
- 24 (8) A hearing before a jury if requested by the patient or his attorney.

25 3. The respondent shall be present at the hearing, unless the respondent's physical  
26 condition is such that he cannot be present in the courtroom or if the court determines that the  
27 respondent's conduct in the courtroom is so disruptive that the proceedings cannot reasonably  
28 continue.

29 4. At the conclusion of the hearing, if the court finds, based upon clear and convincing  
30 evidence, that respondent, as the result of mental illness, presents a likelihood of serious harm  
31 to himself or to others **or is gravely disabled**, and that a mental health program appropriate to  
32 handle the respondent's condition has agreed to accept him, the court shall order either that the  
33 respondent be detained for inpatient involuntary treatment in the least restrictive environment  
34 for a period not to exceed twenty-one days or be detained for outpatient detention and treatment  
35 under the supervision of a mental health program in the least restrictive environment for a period  
36 not to exceed one hundred eighty days.

632.337. 1. When the court has ordered up to one hundred eighty days of outpatient  
2 detention and treatment pursuant to section 632.335 or 632.350 or 632.355, and the supervisory  
3 mental health program has good cause to believe that immediate detention in a more appropriate

4 least restrictive environment is required because the respondent presents a likelihood of serious  
5 harm **or is gravely disabled** due to mental illness, the supervisory mental health program may  
6 direct that the respondent be detained for up to ninety-six hours at an appropriate mental health  
7 program that has agreed to accept the respondent and may authorize the sheriff to detain and  
8 transport the respondent to that mental health program. Detention for more than ninety-six hours  
9 shall be pursuant to section 632.330.

10 2. Evidence of detention for ninety-six-hour periods during the one hundred eighty-day  
11 outpatient detention and treatment may be considered by the court in determining additional  
12 periods of detention and treatment.

632.340. 1. Before the expiration of the twenty-one-day inpatient detention and  
2 treatment period ordered pursuant to section 632.335, the court may order the respondent to be  
3 detained and treated involuntarily for an additional period not to exceed ninety inpatient days or  
4 may order the respondent to be detained for outpatient detention and treatment for a period not  
5 to exceed one hundred eighty days; provided, that:

6 (1) The respondent is mentally ill and continues to present a likelihood of serious harm  
7 to himself or others **or is gravely disabled**; and

8 (2) The court, after a hearing, orders the respondent detained and treated for the  
9 additional period.

10 2. If, within seventeen days of the court hearing described in section 632.335, the head  
11 of the mental health program or the mental health coordinator has reasonable cause to believe  
12 that the respondent is mentally ill and as a result presents a likelihood of serious harm to himself  
13 or others **or is gravely disabled**, and believes that further detention and treatment is necessary,  
14 he shall file, or cause to be filed, with the court a petition for ninety days additional detention and  
15 treatment or a petition for outpatient detention and treatment for a period not to exceed one  
16 hundred eighty days. The court shall immediately set a date and time for a hearing on the  
17 petition, which shall take place within four judicial days of the date of the filing of the petition.  
18 The court shall serve a copy of the petition and the notice of the date and time of the hearing  
19 upon the petitioner, the respondent, and their attorneys as promptly as possible, but not later than  
20 two judicial days after the filing of the petition. The petitioner shall also file with the court, for  
21 the court to serve upon the respondent's attorney not later than two judicial days after the filing  
22 of the petition, a list of the proposed witnesses for the petitioner. The head of the mental health  
23 program shall notify the mental health coordinator if the petition is not filed by the mental health  
24 coordinator. The petition shall comply with the requirements of section 632.330, and an  
25 individualized treatment plan for the respondent shall be attached thereto.

632.350. 1. The hearing for a ninety-day inpatient detention and treatment period or for  
2 outpatient detention and treatment for a period not to exceed one hundred eighty days shall be

3 conducted in as informal a manner as may be consistent with orderly procedure and in a physical  
4 setting not likely to have a harmful effect on the mental health of the respondent. If a jury trial  
5 is not requested, due consideration shall be given by the court to holding a hearing at the mental  
6 health program. The hearing shall be held in accordance with the provisions set forth in section  
7 632.335.

8 2. The burden of proof at the hearing shall be by clear and convincing evidence and shall  
9 be upon the petitioner.

10 3. If the matter is tried before a jury, the jury shall determine and shall be instructed only  
11 upon the issues of whether or not the respondent is mentally ill and, as a result, presents a  
12 likelihood of serious harm to himself or others **or is gravely disabled**. The remaining  
13 procedures for the jury trial shall be as in other civil matters.

14 4. The respondent shall not be required to file an answer or other responsive pleading.

15 5. At the conclusion of the hearing, if the court or jury finds that the respondent, as the  
16 result of mental illness, presents a likelihood of serious harm to himself or to others **or is gravely**  
17 **disabled**, and the court finds that a program appropriate to handle the respondent's condition has  
18 agreed to accept him, the court shall order the respondent to be detained for involuntary  
19 treatment in the least restrictive environment for a period not to exceed ninety days or for  
20 outpatient detention and treatment under the supervision of a mental health program in the least  
21 restrictive environment for a period not to exceed one hundred eighty days.

632.355. 1. At the expiration of the ninety-day inpatient commitment period ordered by  
2 the court pursuant to section 632.350, the respondent may be detained and treated as an  
3 involuntarily inpatient for an additional period of time not to exceed one year or such lesser  
4 period of time as determined by the court or may be detained for outpatient detention and  
5 treatment for a period of time not to exceed one hundred eighty days; provided, that:

6 (1) The respondent is mentally ill and continues to present a likelihood of serious harm  
7 to himself or to others **or is gravely disabled**; and

8 (2) The court after a hearing orders the person detained and treated for the additional  
9 period.

10 2. Within the ninety-day commitment period, the head of the mental health program or  
11 the mental health coordinator may file or cause to be filed, in compliance with the requirements  
12 of section 632.330, a petition for a one-year inpatient detention and treatment period or a petition  
13 for outpatient detention and treatment for a period not to exceed one hundred eighty days if he  
14 has reasonable cause to believe that the respondent is mentally ill and as a result presents a  
15 likelihood of serious harm to himself or others **or is gravely disabled**, and that further detention  
16 and treatment is necessary pursuant to an individualized treatment plan prepared by the program

17 and filed with the court. Procedures specified in sections 632.340, 632.345 and 632.350 shall  
18 be followed.

19 3. At the conclusion of the hearing, if the court or jury finds that the respondent, as the  
20 result of mental illness, presents a likelihood of serious harm to himself or others **or is gravely**  
21 **disabled**, and the court finds that a program appropriate to handle the respondent's condition has  
22 agreed to accept him, the court shall order that the respondent be detained for involuntary  
23 treatment in the least restrictive environment for a period not to exceed one year or for outpatient  
24 detention and treatment under the supervision of a mental health program in the least restrictive  
25 environment for a period not to exceed one hundred eighty days.

632.375. 1. At least once every one hundred eighty days, the head of each mental health  
2 program shall have each respondent who is detained at the program for a one-year period under  
3 this chapter examined and evaluated to determine if the respondent continues to be mentally ill,  
4 and as a result presents a likelihood of serious harm to himself or others **or is gravely disabled**.  
5 The court, the mental health coordinator for the region, the respondent and the respondent's  
6 attorney shall be provided copies of the report of the examination and evaluation described by  
7 this section and the respondent's individualized treatment plan.

8 2. Upon receipt of the report, the court may, upon its own motion, or shall, upon the  
9 motion of the respondent, order a hearing to be held as to the need for continued detention and  
10 involuntary treatment. At the conclusion of the hearing, the court may order:

- 11 (1) The discharge of the respondent; or  
12 (2) An appropriate least restrictive course of detention and involuntary treatment; or  
13 (3) The respondent to be remanded to the mental health program for the unexpired  
14 portion of the original commitment order.

632.390. 1. The head of a mental health program shall release any person who is  
2 involuntarily detained under this chapter when, in his opinion, the person is no longer mentally  
3 ill or, although mentally ill, does not present a likelihood of serious harm to himself or others **or**  
4 **is no longer gravely disabled**, even though the detention period has not expired.

5 2. Whenever the head of a mental health program discharges a person prior to the  
6 expiration of the detention order, he shall notify in writing the court and the mental health  
7 coordinator.

8 3. Whenever a respondent voluntarily admits himself and the head of a mental health  
9 program accepts the admission application submitted by respondent in good faith under section  
10 632.105, the respondent's involuntary detention shall cease, and the head of the program shall  
11 notify, in writing, the court and the mental health coordinator.

632.430. 1. Appeals from court orders made under this chapter may be made by the  
2 respondent or by the petitioner to the appropriate appellate court pursuant to the rules of civil

3 procedure of the supreme court of Missouri pertaining to appeals. Such appeal shall have  
4 priority on the docket of the appellate court and shall be expedited in all respects. The court shall  
5 notify the attorney general's office whenever an appeal is filed under this subsection, and the  
6 attorney general shall represent the state when it is a party to such appeal.

7         2. A motion to stay any order restricting an individual's liberty may be filed in either the  
8 court or the appropriate appellate court. A stay order shall not be granted in any case where the  
9 court finds that the person is so mentally ill that there is an imminent likelihood of serious  
10 physical harm to himself or others if he is not detained or treated pending appeal **or the person**  
11 **is gravely disabled and there exists an imminent risk to the person's health or safety if such**  
12 **person is not detained or treated pending appeal.** Any refusal to grant a stay by the court may  
13 be reviewed by the appropriate appellate court on motion.

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