

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1063

Children and Human Resources Committee Substitute Adopted 5/10/95

Short Title: DH Sub Abuse Women/Child.

(Public)

Sponsors:

Referred to:

May 4, 1995

A BILL TO BE ENTITLED
AN ACT TO AMEND THE MENTAL HEALTH COMMITMENT LAW TO PROVIDE
FOR VOLUNTARY COMMITMENT OF MOTHERS WHO ARE SUBSTANCE
ABUSERS AND THEIR CHILDREN UNDER THE AGE OF THREE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 122C-3 is amended by inserting a new subdivision to read:

"(22a) 'Maternal unit' means a mother and her dependent child under the age of three."

Sec. 2. (a) G.S. 122C-211(a) reads as rewritten:

"(a) Except as provided in subsections (b) through ~~(e)~~-(f) of this section, any individual in need of treatment for mental illness or substance abuse may seek voluntary admission at any facility by presenting himself or herself for evaluation to the facility. No physician's statement is necessary, but a written application for evaluation or admission, signed by the individual seeking admission, is required. The application form shall be available at all times at all facilities. However, no one shall be denied admission because application forms are not available. An evaluation shall determine whether the individual is in need of care, treatment, habilitation or rehabilitation for mental illness or substance abuse or further evaluation by the facility. Information provided by family members regarding the individual's need for treatment shall be reviewed in the evaluation. An

1 individual may not be accepted as a client if the facility determines that the individual
2 does not need or cannot benefit from the care, treatment, habilitation, or rehabilitation
3 available and that the individual is not in need of further evaluation by the facility. The
4 facility shall give to an individual who is denied admission a referral to another facility or
5 facilities that may be able to provide the treatment needed by the client."

6 (b) G.S. 122C-211 is amended by adding a new subsection to read:

7 "(f) Any maternal unit who voluntarily seeks admission to a 24-hour substance
8 abuse facility shall be evaluated to determine whether the maternal unit would benefit
9 from the services of the facility. That facility shall be able to provide directly or by
10 contract treatment, habilitation, or rehabilitation services that will specifically address the
11 maternal unit's needs. These services shall include gender-specific substance abuse
12 treatment, habilitation, habilitation, or rehabilitation for the mother as well as assessment,
13 well-child care, and early intervention services for the child. A maternal unit shall not be
14 accepted as a client if the facility determines that the maternal unit does not need or
15 cannot benefit from the care, habilitation, or rehabilitation available at the facility and
16 that the individual is not in need of further evaluation by the facility. The facility shall
17 give to a maternal unit who is denied admission a referral to another facility or facilities
18 that may be able to provide treatment needed by the maternal unit. All other subsections
19 in this Part apply to the maternal unit."

20 Sec. 3. G.S. 122C-211(a) reads as rewritten:

21 "(a) Except as otherwise provided in this Part, a minor may be admitted to a facility
22 if the minor is mentally ill or a substance abuser and in need of treatment. If a maternal
23 unit is seeking admission, the child of that unit may be admitted to a substance abuse
24 facility pursuant to G.S. 122C-211(f) and shall receive services pursuant to Part 2 of this
25 Article. Except as otherwise provided in this Part, the provisions of G.S. 122C-211 shall
26 apply to admissions of minors under this Part. Except as provided in G.S. 90-21.5, in
27 applying for admission to a facility, in consenting to medical treatment when consent is
28 required, and in any other legal procedure under this Article, the legally responsible
29 person shall act for the minor. If a minor reaches the age of 18 while in treatment under
30 this Part, further treatment is authorized only on the written authorization of the client or
31 under the provisions of Part 7 or Part 8 of Article 5 of this Chapter."

32 Sec. 4. APPROPRIATIONS SECTION

33 Sec. 5. Sections 1 and 2 of this act become effective October 1, 1995, and
34 apply to admissions on or after this date. Section 3 and this section become effective July
35 1, 1995.