

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 1063

Children and Human Resources Committee Substitute Adopted 5/10/95
Third Edition Engrossed 5/11/95

Short Title: DH Sub Abuse Women/Child.

(Public)

Sponsors:

Referred to:

May 4, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE MENTAL HEALTH COMMITMENT LAW TO PROVIDE
2 FOR VOLUNTARY COMMITMENT OF MOTHERS WHO ARE SUBSTANCE
3 ABUSERS AND THEIR CHILDREN UNDER THE AGE OF THREE.
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5 The General Assembly of North Carolina enacts:

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

7 "(22a) 'Maternal unit' means a mother and her dependent child under the age of
8 three."

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

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

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

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

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

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

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

33 Sec. 4. 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.