

**CHAPTER 6250. COMMITMENT AND ADMISSION PROCEDURES
FOR MENTALLY RETARDED PERSONS**

GENERAL PROVISIONS

- Sec.
6250.1. Purpose.
6250.2. Applicability.
6250.3. Legal base.

INVOLUNTARY COMMITMENT PROCEDURES

- 6250.11. Determination.

ADMISSION PROCEDURES FOR JUVENILES

- 6250.21. Admission procedures.
6250.22. Notice.

Authority

The provisions of this chapter 6250 issued under section 201(2) of the Mental Health and Mental Retardation Act of 1966 (50 P. S. § 4201(2)), unless otherwise noted.

Source

The provisions of this Chapter 6250 adopted and effective September 1, 1973, 3 Pa.B. 1840; amended and effective November 13, 1976, 6 Pa.B. 2883, unless otherwise noted.

GENERAL PROVISIONS

§ 6250.1. Purpose.

The purpose of this chapter is to specify commitment and admission procedures for mentally retarded persons.

§ 6250.2. Applicability.

This chapter applies to State Mental Retardation Centers and Mental Retardation Units at State Mental Health Hospitals.

§ 6250.3. Legal base.

The legal authority for this chapter is *Goldy v. Beal* (C. A. No. 75—191, M. D. Pa., October 28, 1976) and section 201(2) of the Mental Health and Mental Retardation Act of 1966 (50 P. S. § 4201(2)).

INVOLUNTARY COMMITMENT PROCEDURES**§ 6250.11. Determination.**

Until new legislation is enacted, and becomes effective, commitments of mentally retarded adults under section 406 of the Mental Health and Mental Retardation Act of 1966 (50 P. S. § 4406) may be processed provided that the Secretary of Public Welfare, his agents and assigns, those under his direction, and all facility directors may not receive a person committed under section 406 of the Mental Health and Mental Retardation Act of 1966 (50 P. S. § 4406) except upon judicial determination that the standards in this section are met: A person shall be determined to be a mentally retarded person in need of residency placement only upon the following findings:

- (1) The person is impaired in adaptive behavior to a significant degree and is functioning at an intellectual level two standard deviation measurements below the norm as determined by acceptable psychological testing techniques.
- (2) The impairment and the resultant disability were manifested before the person's 18th birthday and are likely to continue for an indefinite period.
- (3) The person, because of his retardation, presents a substantial risk of physical injury to himself or physical debilitation as demonstrated by behavior within 30 days of the petition which shows that he is unable to provide for, and is not providing for his most basic need for nourishment, personal and medical care, shelter, self-protection and safety and that provision for such needs is not available and cannot be developed or provided in his own home or in his own community without residential placement.

ADMISSION PROCEDURES FOR JUVENILES**§ 6250.21. Admission procedures.**

- (a) All juveniles aged 18 and younger to be admitted to an institution must be referred from a recognized medical facility, mental retardation therapist, pediatrician, general physician, or psychologist.
- (b) This referral must be accomplished by a psychiatric, medical, or psychological evaluation and that report must indicate with specificity the reasons that the person requires institutional care.
- (c) The director of the institution or his delegate, shall have conducted an independent examination of the proposed juvenile, and if his results disagree with the professional's opinion, the director, or his delegate shall discharge the juvenile.
- (d) The telephone number and address of the juvenile's parents or the person who is requesting admission for the juvenile shall accompany the referral.
- (e) Within 24 hours after the juvenile's admission, every youth who is at least 13 years of age shall receive written notification (which he signs) explaining his rights indicating that he will be given a status report periodically of his condition;

that he can contact by telephone or by mail his parents or the person who requested his admission, and that he will be furnished with the number of counsel (Public Defender's number; Legal Services) that he can call for representation. An appropriate person shall explain his notice.

(f) In the event that a juvenile whose chronological age is 13 or older objects (either orally or in writing) to remain in the institution, the director, or his delegates, if he feels it is necessary for the youth to remain, may continue the institutionalization for 2 business days during which time he shall notify the applicant and the referral unit so that either party may institute a 406 proceeding. During that same 2-day period, the director, or his delegate, shall notify the public defender's office or notify legal services readily available of the juvenile's need for legal representation. If a 406 proceeding is begun during the 2-day period, the juvenile shall remain institutionalized. If the applicant cannot be located and the director, or his delegate, feels that the juvenile does not require institutionalization, the director, or his delegate shall direct the base service unit to assume responsibility of providing for the juvenile's aftercare. However, if the director, or his delegate, feels that the juvenile requires institutionalization, he shall direct the base service unit to file a 406 proceeding within 2 days after failure to locate the applicant.

(g) The juvenile's counsel shall be furnished with the juvenile's evaluation from the referral unit, with a psychiatric evaluation from the institution, and with a written report of the reasons to institutionalize the juvenile.

(h) If the staff member of the facility giving notice to the patient determines that the patient is incapable of understanding the notification, it shall be written on the notification.

§ 6250.22. Notice.

Juveniles aged 13 and older shall be given the following notice:

**RIGHTS OF CHILDREN UNDER
SECTIONS 402 AND 403 OF THE MENTAL HEALTH
AND MENTAL RETARDATION ACT OF 1966**

You have currently been admitted to the _____ Institution for observation and treatment. This voluntary admission procedure was instituted by _____ or _____ (date). You can call the applicant at Telephone Number _____ or you can write the applicant at _____. The purpose in having you admitted to this facility is to help you overcome problems you are experiencing and to return you to the community as soon as possible. Before we accepted you, you must realize that a (circle which one) psychiatric, medical, or psychological opinion was given to us by _____. Also, the Director of this Institution had a (circle which one) psychiatric, medi-

cal, or psychological examination conducted so that he could be thoroughly apprised and certain that you could benefit in receiving care and treatment at this Institution.

If you object to remaining in this Institution, you are advised that we shall contact the Public Defender's Office or make other suitable arrangements to obtain legal counsel for you. We will provide you with the telephone number of the attorney who has been contact on your behalf. We will require 2 working days from date of your objection to remain, in order to make certain that you will be afforded counsel. At the same time, the Director, or his delegate, of this Institution shall notify the applicant of his desire to require your hospitalization for your benefit.

A member of our staff shall explain this written letter to you and we ask you to sign it, which will evidence that you have a copy of this letter and that it has been explained to you in detail. In the event that you have any questions, you can direct them to the person who is explaining this document to you or you may contact this office. _____

Superintendent's Signature

Resident's Signature

Staff Member Signature
Giving Notice Resident

[Next page is 6350-1.]