
By Mr. Backman, a petition (accompanied by bill, Senate, No. 511) of Jack H. Backman, Bill Owens and Chester G. Atkins for legislation to prohibit admission of persons under eighteen years of age to Bridgewater State Hospital. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

AN ACT PROHIBITING ADMISSION OF PERSONS UNDER EIGHTEEN YEARS OF AGE TO BRIDGEWATER STATE HOSPITAL.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 123 of the General Laws is hereby
2 amended by striking out section 5, as most recently amended
3 by section 2 of chapter 569 of the acts of 1973, and inserting
4 in place thereof the following section: —

5 *Section 5.* Whenever the provisions of this chapter relative
6 to the commitment of the mentally ill require that a hearing be
7 conducted in any court for the commitment or further reten-
8 tion of a person to a facility or to the Bridgewater state hos-
9 pital, it shall be held as hereinafter provided. Such person
10 shall have the right to be represented by counsel and shall
11 have the right to present independent testimony. The court
12 shall appoint counsel for such person whom it finds to be in-
13 digent or who is under eighteen years of age and who is not
14 represented by counsel, unless such person refuses the appoint-
15 ment of counsel. The court may provide an independent med-
16 ical examination for such indigent person or for such person
17 under eighteen years of age upon the request of his counsel
18 or upon his request if he is not represented by counsel. The
19 person shall be allowed not less than two days after the ap-
20 pearance of his counsel in which to prepare his case and a hear-
21 ing shall be conducted forthwith after such period unless
22 counsel requests a delay. Notice of the time and place of hear-
23 ing shall be furnished by the court to the department, the per-

24 son, his counsel, and his nearest relative or guardian. The
25 court may hold the hearing at the facility or said hospital.

1 SECTION 2. Paragraph (b) of section 6 of said chapter 123,
2 as amended by section 4 of chapter 760 of the acts of 1971, is
3 hereby further amended by inserting after the word "delay"
4 in line 11, the following words: — provided, however, that a
5 hearing shall be held within fourteen days of the filing of a
6 petition whether or not a request for a hearing is made if the
7 person who is the subject of the petition is under eighteen
8 years of age.

1 SECTION 3. Paragraph (b) of section 7 of said chapter 123,
2 as amended by section 5 of said chapter 760, is hereby further
3 amended by inserting after the word "illness" in line 8, the
4 following words: — provided, however, that a petition may not
5 be filed for the commitment of a patient under eighteen years
6 of age to the Bridgewater state hospital.

1 SECTION 4. Paragraph (c) of said section 7 of said chapter
2 123, as so amended, is hereby amended by inserting after the
3 word "person" in line 2, the following words: — eighteen years
4 of age or older.

1 SECTION 5. Said section 7 of said chapter 123, as so amended,
2 is hereby further amended by adding the following paragraph:
3 (d) Whenever a court receives a petition filed under any
4 provisions of this chapter for an order of commitment of a
5 person who is under eighteen years of age, the court shall set
6 a date for hearing and notify the person and his nearest rela-
7 tive or guardian of the receipt of a petition, of the date of the
8 hearing and of the right of the person to be represented by
9 counsel. The date for the hearing shall be within fourteen days
10 of the date of filing of the petition.

1 SECTION 6. Paragraph (a) of section 8 of said chapter 123,
2 as appearing in section 4 of chapter 888 of the acts of 1970,
3 is hereby amended by inserting after the word "person" in line
4 3, the following words: — eighteen years of age or older.

1 SECTION 7. Paragraph (b) of said section 8 of said chapter

2 123, as so appearing, is hereby amended by inserting after the
3 word "person" in line 2, the following words: — eighteen years
4 of age or older.

1 SECTION 8. Paragraph (c) of said section 8 of said chapter
2 123, as so appearing, is hereby amended by inserting after the
3 word "requested" in line 1 of paragraph (c), the following
4 words: — or if the person who is the subject of the petition is
5 under eighteen years of age.

1 SECTION 9. Paragraph (c) of said section 8 of said chapter
2 123, as so appearing, is hereby amended by inserting after the
3 word "department" in line 9, the following words: — The court
4 shall not commit a person under eighteen years of age to
5 Bridgewater state hospital.

1 SECTION 10. Paragraph (e) of said section 8 of said chapter
2 123, as appearing in section 6 of chapter 760 of the acts of
3 1971, is hereby amended by inserting after the word "re-
4 quested" in line 1, the following words: — or is required to be
5 held under the provisions of this chapter.

1 SECTION 11. Section 13 of said chapter 123, as amended by
2 section 11 of said chapter 760, is hereby further amended by
3 inserting after the word "transfer" in line 14, the following
4 words: — No person under the age of eighteen may be trans-
5 ferred to the Bridgewater state hospital.

1 SECTION 12. Paragraph (b) of section 15 of said chapter 123,
2 as amended by section 12 of said chapter 760, is hereby further
3 amended by inserting after the word "male" in line 3, the fol-
4 lowing words: — eighteen years of age or older.

1 SECTION 13. Paragraph (e) of said section 15 of said chapter
2 123, as appearing in section 4 of chapter 888 of the acts of
3 1970, is hereby amended by inserting after the word "male" in
4 line 5, the following words: — eighteen years of age or older.

1 SECTION 14. Said paragraph (e) of said section 15 of said
2 chapter 123, as amended by section 8 of chapter 569 of the acts
3 of 1973, is hereby further amended by inserting after the word

4 "hospital" in line 8, the following words: — A person under
5 eighteen years of age may not be committed to Bridgewater
6 state hospital.

1 SECTION 15. Paragraph (a) of section 16 of said chapter 123,
2 as appearing in section 4 of chapter 888 of the acts of 1970,
3 is hereby amended by inserting after the word "male" in line 6,
4 the following words: — eighteen years of age or older.

1 SECTION 16. Paragraph (b) of said section 16 of said chapter
2 123, as amended by section 13 of chapter 760 of the acts of
3 1971, is hereby further amended by inserting after the word
4 "person" in line 16, the following words: — if he is eighteen
5 years of age or older;.

1 SECTION 17. Said paragraph (b) of said section 16 of said
2 chapter 123, as so amended, is hereby further amended by in-
3 serting after the word "made" in line 225, the words: — A
4 person under the age of eighteen shall not be detained at the
5 Bridgewater state hospital.

1 SECTION 18. Said chapter 123 is hereby further amended by
2 striking out paragraph (e) of section 18, as most recently
3 amended by section 13 of chapter 569 of the acts of 1973, and
4 inserting in place thereof the following paragraph: —

5 (a) If the person in charge of any place of detention within
6 the commonwealth has reason to believe that a person con-
7 fined therein is in need of hospitalization by reason of mental
8 illness at a facility of the department or at the Bridgewater
9 state hospital, he shall cause such prisoner to be examined at
10 such place of detention by a physician or physicians designated
11 by the department as qualified to perform such examination.
12 Said physician or physicians shall report the results of the
13 examination to the district court which has jurisdiction over
14 the place of detention or, if the prisoner is awaiting trial, to
15 the court which has jurisdiction of the criminal case. Such
16 report shall include an opinion, with reasons therefor, as to
17 whether such hospitalization is actually required. The court
18 which receives such report may order the prisoner to be taken
19 to a facility or, if a male eighteen years of age or older, to the

20 Bridgewater state hospital to be received for examination and
21 observation for a period not to exceed thirty days. After com-
22 pletion of such examination and observation, a written report
23 shall be sent to such court and to the person in charge of the
24 place of detention. Such report shall be signed by the physician
25 or physicians conducting such examination and shall contain
26 an evaluation, supported by clinical findings, of whether the
27 prisoner is in need of further treatment and care at a facility
28 or, if a male eighteen years of age or older, the Bridgewater
29 state hospital by reason of mental illness. The person in charge
30 of the place of detention shall have the same right as a super-
31 intendent of a facility to file a petition with the court which
32 received the results of the examination for the commitment
33 to a facility or, if the person is a male eighteen years of age
34 or older to the Bridgewater state hospital; provided, that, not-
35 withstanding the court's failure, after an initial hearing or
36 after any subsequent hearing, to make the finding required for
37 commitment to the Bridgewater state hospital, the prisoner
38 shall be confined at said hospital if the findings required for
39 commitment to a facility are made and if the commissioner of
40 corrections certifies to the court that confinement of the pris-
41 oner at said hospital is necessary to insure his continued de-
42 tention in custody. No person under the age of eighteen years
43 may be confined at Bridgewater state hospital. An initial court
44 order of commitment issued subject to the provisions of this
45 section shall be valid for a six-month period, and all subsequent
46 commitments during the term of the sentence shall take place
47 under the provisions of sections seven and eight and shall be
48 valid for one year.

1 SECTION 21. The commissioner of mental health shall con-
2 duct or cause to have conducted a comprehensive assessment
3 of the mental health of any person under the age of eighteen
4 years, who, upon the effective date of this act, has been com-
5 mitted to the Bridgewater state hospital or who is being ob-
6 served at the Bridgewater state hospital under sections seven,
7 eight, fifteen, sixteen or eighteen of chapter one hundred and
8 twenty-three of the general laws as in effect immediately prior
9 to the effective date of this act and shall, within six months

10 of the effective date of this act, determine the appropriate
11 facility for treatment of each such person or determine that
12 the person is no longer in need of treatment. Within six months
13 of the effective date of this act, the commissioner of mental
14 health and the medical director of the Bridgewater state hos-
15 pital shall effectuate transfer or discharge of each such person
16 in accordance with the provisions of chapter one hundred and
17 twenty-three of the general laws as amended by this act. Not-
18 withstanding the provisions of this section, any discharge or
19 transfers ordered by a court or permitted or required by any
20 other provision of law, shall be executed.

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