



1 retarded or addicted or who has manifested symptoms of mental  
2 illness, mental retardation or addiction and who makes application  
3 for hospitalization; or

4 (b) Under eighteen years of age who is mentally ill, mentally  
5 retarded or addicted or who has manifested symptoms of mental  
6 illness, mental retardation or addiction and there is application  
7 for hospitalization therefor in his or her behalf: (1) By the  
8 parents of such person; or (2) if only one parent is living, then  
9 by such parent; or (3) if the parents are living separate and  
10 apart, by the parent who has the custody of such person; or (4) if  
11 there is a guardian who has custody of such person, then by such  
12 guardian. Such admission shall be conditioned upon the consent of  
13 the prospective patient if he or she is ~~twelve~~ eighteen years of  
14 age or over.

15 (c) No person under eighteen years of age shall be admitted  
16 under this section to any state hospital unless said person has  
17 first been reviewed and evaluated by a local mental health facility  
18 and recommended for admission.

19 (d) Nothing in this section may be construed to obligate the  
20 State of West Virginia for costs of hospitalizations permitted by  
21 the provisions of this section.

22 **§27-4-3. Right to release on application.**

23 A voluntary patient who requests his or her release or whose  
24 release is requested in writing by his or her parents, parent,

1 guardian, spouse or adult next of kin shall be released forthwith  
2 except that:

3 (a) If the patient was admitted on his or her own application,  
4 and request for release is made by a person other than the patient,  
5 release shall be conditioned upon the agreement of the patient  
6 thereto;

7 (b) If the patient is under ~~twelve~~ eighteen years of age, his  
8 or her release prior to becoming ~~twelve~~ eighteen years of age may  
9 be conditioned upon the consent of the person or persons who  
10 applied for his or her admission; or

11 (c) If, within ninety-six hours of the receipt of the request,  
12 the chief medical officer of the mental health facility in which  
13 the patient is hospitalized files with the clerk of the circuit  
14 court or mental hygiene commissioner of the county where the  
15 facility is situated an application for involuntary hospitalization  
16 as provided in section four, article five of this chapter, release  
17 may be postponed for twenty days pending a finding in accordance  
18 with the legal proceedings prescribed therein.

19 Legal proceedings for involuntary hospitalization shall not be  
20 commenced with respect to a voluntary patient unless release of the  
21 patient has been requested by him or her or the individual or  
22 individuals who applied for his or her admission.

NOTE: The purpose of this bill is to change the age of  
consent for refusal of mental health treatment from twelve to

eighteen. The bill also clarifies that the state is not obligated to pay for voluntary hospitalizations.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.