

CHAPTER 2.  
ADMISSIONS AND DISPOSITIONS IN GENERAL.

Article 1.

*Admissions.*

§ 37.1-63. *Applicability of Chapter.*—In the application of the provisions of this Chapter to any person to whom the terms mentally deficient, mentally retarded, inebriate, or drug addict are applicable, such appropriate term or terms shall be used in any determination, certification, order or record relating to such person.

§ 37.1-64. *Admission procedures.*—(a) Any person alleged to be mentally ill to a degree which warrants hospitalization in a hospital as defined in § 37.1-1 of this Title and who is not in confinement on a criminal charge may be admitted to and retained as a patient in a hospital by compliance with any one of the following admission procedures:

- (1) Voluntary admission;
- (2) Medical certification;
- (3) Judicial certification;

(b) The Board shall prescribe and prepare the forms required in procedures for admission as approved by the Attorney General. These forms, which shall be the legal forms used in such admissions, shall be distributed by the Board to the clerks of the circuit and corporation courts of the various counties and cities of the State and to the superintendents of the respective State hospitals.

§ 37.1-65. *Voluntary Admission.*—Any hospital may admit as a patient any person requesting admission who, having been examined by a physician on the staff of such hospital, is deemed to be in need of hospitalization for mental illness. Any such person under twenty-one years of age may be admitted on the request of the parent or any person standing *in loco parentis* to such infant.

§ 37.1-66. *Medical Certification.*—Any hospital may admit any person as a patient upon receipt of a petition, executed by such person or by some responsible person in his behalf, in form prescribed by the Board; provided, that if such person be under the age of twenty-one, the petition shall be executed by the parent or any person standing *in loco parentis* to such infant. Such petition shall contain a statement of facts upon which the allegations of mental illness and need for hospitalization are based and shall be accompanied by the certificates of two physicians or of one physician and one clinical psychologist licensed in Virginia who are not related by blood or marriage to the individual for whom the petition is filed and who have no interest in his estate, to the effect that they have examined the individual and that they have sufficient cause to believe that he is mentally ill and requires hospitalization. Only one of such examining physicians may be a physician on the staff of the hospital to which admission is sought. Every such examination shall have been accomplished within not more than fifteen days prior to presentation of the allegedly mentally ill person for admission. Each such petition shall contain an endorsement by a justice as defined in § 37.1-1, stating that the person to be admitted as a patient has been informed of his right to a hearing. The justice shall ascertain if the person whose admission is sought is represented by counsel. If the person whose admission is sought is not represented by counsel the justice shall appoint an attorney at law to represent such person. The justice shall summons witnesses and hold a hearing on the admission of such person if requested to do so by the person to be admitted or the attorney representing such person.

§ 37.1-67. *Judicial Certification.*—Any justice as defined in § 37.1-1, when any person in his county or city is alleged to be mentally ill, upon the verified petition of any responsible person, shall issue forthwith

his order requiring the allegedly mentally ill person to be brought before him. The officer executing the order may do so without having the order in his possession. The justice, when the person is so produced, shall inform such person of his right to a hearing. The justice shall ascertain if the person whose admission is sought is represented by counsel. If the person whose admission is sought is not represented by counsel the justice shall appoint an attorney at law to represent such person. The justice shall summons witnesses and hold a hearing on the admission of such person if requested to do so by the person to be admitted or the attorney representing such person. If such justice, having observed the person so produced, shall find that there is sufficient cause to believe that such person is or may be mentally ill, he shall so certify and order such person removed to the hospital or other facility designated by the Commissioner for receipt of persons allegedly mentally ill who may come before such justice.

§ 37.1-68. **Examination of papers by superintendents; return for correction.**—Upon the receipt of any certificate or order for admission of any allegedly mentally ill person, the superintendent of the hospital shall carefully examine the same and if they are found to be in conformity with the law and contain evidence tending to show that such person is mentally ill, the superintendent shall forthwith receive such person into the hospital. If the admission papers do not conform to law and do not contain satisfactory and sufficient evidence of mental illness, the superintendent shall return such papers for correction or amendment.

§ 37.1-69. **Detention by Officers.**—Any officer authorized to make arrests may take and detain in protective custody any person conducting himself in a disorderly manner and who reasonably appears to be mentally ill and shall forthwith bring such person before a justice as defined in § 37.1-1 or other person authorized to issue warrants and obtain from such justice or other person authorized to issue warrants, authorization in writing to detain such person by removing such person to the appropriate hospital designated by the Commissioner for the receipt of such persons so taken and detained under the provisions of this section; provided, however, that in the event no hospital designated by the Commissioner is available, the person so taken and detained shall be placed in the custody of the proper officials authorized to detain persons held under criminal process.

Any justice as defined in § 37.1-1 may on his own motion issue his order or authorization in writing to so detain any such person or any other person reliably reported to him to be mentally ill and in need of detention treatment.

§ 37.1-70. **Examination of admitted persons.**—Any person admitted to a hospital pursuant to §§ 37.1-66, 37.1-67, or 37.1-69 shall forthwith, and not later than twenty-four hours after arrival, be examined by one or more of the physicians on the staff thereof. In the event such examination does not reveal sufficient cause to believe that such person is or may be mentally ill, such person forthwith shall be returned to the place at which the petition was initiated. If such examination does reveal sufficient cause to believe that such person is or may be mentally ill, such person shall be retained at the hospital and the procedure prescribed in Article 3 of this chapter thereafter shall be followed.

## Article 2.

### *Transportation.*

§ 37.1-71. **Admissions; transportation to hospitals.**—When a person has been certified for admission to a hospital under §§ 37.1-66 or 37.1-67, or is detained under § 37.1-69, such person may be delivered to the care of the sheriff of the county or sergeant of the city who shall forth-

banking office at which the principal functions of the bank are conducted. The location of a parent bank or of a branch bank may be moved if the State Corporation Commission determines that public convenience and necessity will be served by such move; but the location of a parent bank ~~or may not be moved more than thirty miles except through a merger with another bank~~ and the location of a branch bank may not be moved beyond the limits of the city or county in which it is located except through a merger with another bank.

(b) This section shall be construed to allow the merger of banks and the operation by the merged company of such banks, and to allow the sale of any bank to, and the purchase thereof through merger by, any other bank and the operation of such banks by the merged bank, provided that the State Corporation Commission shall be of the opinion and shall first determine that public convenience and necessity will be served by such operation, and provided further that, at the time of such merger the banks involved shall have been in actual operation for a period of five years or more. But in any case in which the Commission is satisfied that the public interest demands, on account of emergency conditions, that a merger be effected, it may enter an order to such effect permitting such merger notwithstanding that the banks involved, or one or more of them, have not been in actual operation for five or more years.

(c) Notwithstanding the limitations of the foregoing paragraphs, the State Corporation Commission may, when satisfied that public convenience and necessity will thereby be served, authorize the establishment of branch banks in cities contiguous to the county or city in which the parent bank is located, and the establishment of branch banks in counties contiguous to the city in which the parent bank is located. Establishment of such branches may be by merger, consolidation, purchase of assets or creation of a new branch; but if the parent bank is located in a city such branches in the contiguous county may not be established more than five miles outside the city limits.

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## CHAPTER 351

*An Act to amend the Code of Virginia by adding a section numbered 37.1-67.1; and to repeal § 37.1-67, as amended, of the Code of Virginia, the new and repealed sections relating to involuntary detention, involuntary admission and treatment of the mentally ill.*

[H 237]

Approved April 4, 1974

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 37.1-67.1 as follows:

§ 37.1-67.1. Involuntary detention, involuntary admission and treatment.—Any justice as defined in § 37.1-1, when any person in his county or city fourteen years or older is alleged to be mentally ill and in need of hospitalization, upon the sworn petition of any responsible person, shall issue forthwith his order requiring such allegedly mentally ill person to be brought before him, but mentally ill



as used in this section shall not include mental retardation or mental deficiency. Any such justice may on his own motion based on probable cause issue such order as to any person fourteen years or older reliably reported to him to be mentally ill and in need of hospitalization. The officer executing the order of temporary detention may do so without having the order in his possession. Whenever the alleged mentally ill person cannot be conveniently brought before any justice forthwith, the officer executing the order of temporary detention shall place such person in some convenient and willing institution or other willing place approved by the Board for a period not to exceed forty-eight hours prior to hearing and not in a jail or other place of confinement for persons charged with criminal offenses, unless such confinement is specifically authorized by such justice pursuant to regulations duly adopted by the Board, which regulations shall specify in which counties and cities such temporary detention in a jail or other place of confinement for persons charged with criminal offenses is authorized. On such petition and prior to a hearing as authorized herein, the justice shall release such person on his personal recognizance or bond set by the justice if it appears from all evidence readily available that such release will not pose an imminent danger to himself or others.

The justice, when such person is so produced, shall inform him of his right to make application for voluntary admission and treatment as provided for in § 37.1-65 prior to any hearing as authorized herein and shall afford such person an opportunity for voluntary admission. The justice shall hold a preliminary hearing to ascertain if such person is then willing and capable of seeking voluntary admission and treatment. If the person requests or accepts voluntary admission and treatment, the justice shall require the person to sign an application for voluntary admission and minimum period of treatment, the form of which shall be approved by the Attorney General and such person shall be subject to the transportation provisions as provided in § 37.1-71. If there be no further hearing as to involuntary admission, the justice shall receive the same compensation as provided for in § 37.1-89 for such preliminary hearing as he would for presiding over a commitment hearing as provided for herein, and if services are required at such preliminary hearing by a physician or attorney summoned by the justice to serve as such, each shall receive the same compensation as provided in § 37.1-89. If such person refuses to make application for voluntary admission and treatment, the justice shall inform such person of his right to a hearing and right to counsel. The justice shall ascertain if a person whose admission is sought is represented by counsel. If the person whose admission is sought is not represented by counsel, the justice shall appoint an attorney-at-law to represent such person. If such person requests an opportunity to employ private counsel, the court shall give such person an opportunity to employ private counsel at his own expense. Such hearing, if requested, shall be held within forty-eight hours of the execution of the detention order as provided for herein. Prior to such hearing, the justice shall fully inform such person of his right to a full and impartial hearing, right to representation by counsel, the basis for his detention, the standard upon which he may be detained, the right of appeal from such hearing to the circuit court, the right to jury trial on appeal, and the place, date, and time of such hearing which shall be so arranged as to permit the attorney for such person an opportunity to properly prepare for the hearing, which opportunity shall include not less than twenty-four hours prior notice of such hearing, unless such notice is

waived by the attorney.

If such person refuses voluntary admission as provided for herein, a hearing shall be scheduled as provided for herein. Such hearing shall be scheduled so as to permit the person who is the subject of the hearing an opportunity to prepare any defenses which he may have, obtain independent evaluation and expert opinion at his own expense, and summons other witnesses. Notwithstanding the above, the justice shall summons one physician or one physician and one clinical psychologist licensed in Virginia, who are skilled in the diagnosis of mental illness and who are not related by blood or marriage to the individual for whom the petition is filed and who have no interest in his estate. The justice shall also summons other witnesses when so requested by the person or his attorney and hold a hearing, if requested, on the involuntary admission and confinement of such person. The physician or the physician and the clinical psychologist shall certify that they have personally examined the individual and have sufficient and probable cause to believe that he is or is not mentally ill, that such person does or does not present an imminent danger to himself or others, and requires or does not require involuntary hospitalization. The justice in his discretion may accept written certification of a finding of a physician or a physician and a clinical psychologist as defined above, provided such examinations have been personally made within the preceding five days; and provided further, there is no objection to the acceptance of such written certifications by the person or his attorney. If such justice having observed the person so produced and having obtained necessary certifications and other relevant evidence, shall specifically find that such person (a) presents an imminent danger to himself or others as a result of mental illness, or (b) has seriously threatened or attempted to take his own life just prior to the hearing, or (c) has otherwise been proven to be so seriously mentally ill as to be substantially unable to care for himself, and (d) that there is no less restrictive alternative to institutional confinement and treatment and that the alternatives to involuntary hospitalization were investigated and were deemed not suitable, he shall by written order and specific findings so certify and order such person removed to a hospital or other facility designated by the commissioner for a period of hospitalization not to exceed one hundred eighty days from the date of the court order. Such person shall be released at the expiration of one hundred eighty days unless involuntarily committed by further petition and order of a court as provided herein or such person makes application for treatment on a voluntary basis as provided for in § 37.1-65 of the Code. All persons not charged with crime heretofore involuntarily committed pursuant to § 37.1-67 of the Code shall on November one, nineteen hundred seventy-four, unless sooner discharged, become voluntary admissions subject to the provisions of § 37.1-65 unless involuntarily committed as provided for herein.

With respect to such person who does meet the criteria for involuntary treatment as specified in (a), (b) or (c) above, but who is not in need of involuntary hospitalization for the purpose of treatment as provided for in (d) hereof, shall be subject to court-ordered out-patient treatment, day treatment in a hospital, night treatment in a hospital, referral to a community mental health clinic, or other such appropriate treatment modalities as may be necessary to meet the needs of the individual.

The hearing provided for herein may be conducted by the justice at the convenient and willing institution or other willing place, if

he deems it advisable, even though such institution or place is located in a county or city other than his own. In conducting such hearing, the justice shall have all of the authority and power which he would have in his own county or city.

2. That § 37.1-67, as amended, of the Code of Virginia is repealed.

3. That this act is effective on and after September one, nineteen hundred seventy-four.

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## CHAPTER 352

*An Act to amend and reenact § 58-797, as amended, of the Code of Virginia, relating to duty of clerk to make out annually lists of deeds, deeds of trust.*

[H 284]

Approved April 4, 1974

Be it enacted by the General Assembly of Virginia:

1. That § 58-797, as amended, of the Code of Virginia is amended and reenacted as follows:

§ 58-797. Clerks to make out annually lists of deeds, deeds of trust, etc.; contents; copies to commissioners and Department.—The clerk of every court in which deeds are admitted to record, except such clerks in cities having a population of more than two hundred and nineteen thousand but not more than three hundred thousand and in cities having a population of more than seventy thousand but not more than ninety thousand and adjoining a city having a population of more than two hundred thousand, shall annually, before the fifteenth of January, make out a list of all deeds for the partition and conveyance of land, other than deeds of trust and mortgages, made to secure the payment of debts, which have been admitted to record in the clerk's office of such court within the year ending on the thirty-first day of December next preceding. The list shall state the date of the deed, when admitted to record, the name of the grantor and grantee, if known, the address of the grantee, if known ~~whether the grantee is white or colored, if known~~, the quantity of land conveyed, the specified value thereof and a description of the same. This list shall, on or before the fifteenth day of January, be delivered by the clerk to the commissioner for his county or city and the clerk shall also forward a copy of the list to the Department of Taxation. The clerk shall also make out on a separate sheet a list of all deeds of trust and mortgages on land, as well as deeds of trust on personal property, made to secure the payment of debts, which have been admitted to record in the clerk's office of such court within the year ending on the thirty-first day of December next preceding. Such list shall state the date of the deed of trust or mortgage, when admitted to record, the name of the grantor, the names of the creditors, when the names of such creditors are disclosed and set forth in the deed of trust or mortgage, and the amount of the debt to each creditor secured by the deed of trust or to the mortgagee in the mortgage and the total amount of debt secured thereby and the property conveyed in such deed of trust or mortgage. Copies of this last-mentioned list shall be furnished by the clerk on or before the fifteenth day of January to the commis-



# Va. Commitment Bill Dies in House Panel

By Michael Isikoff  
Washington Post Staff Writer

RICHMOND, Feb. 4—At the end of a 5½-hour session that concluded at 1:30 a.m., a Virginia House committee today killed a controversial proposal to rewrite the law governing the involuntary commitment of persons to the state's mental hospitals.

The surprise 12-to-5 defeat came despite comments by several of the bill's critics that, if modified, the measure would prevent the apparently widespread abuses in the current commitment procedures. The legislators said, however, that the 14-page bill was too complex and included too many disputed provisions to be considered when it finally was brought up for debate.

"It was five after one when it came up," said Del. Jay W. DeBoer (D-Petersburg). "Nobody was physically or mentally alert enough to draft the amendments that needed to be made."

Equally important, the bill's chief sponsor, Del. Warren G. Stambaugh (D-Arlington), for the first time estimated that the measure would cost the state between \$6 million and \$22 million over a two-year period. The size and range of the figures, computed by state mental health officials, appeared to stun some members of the committee, some of those present said.

"If you can't estimate the cost of a program any better than that, you don't know what you're doing," said Del. Frank M. Slayton (D-Halifax).

The bill grew out of a year-long legislative study subcommittee, chaired by Stambaugh, that identified numerous civil liberties abuses in the procedures by which Virginia courts commit persons to psychiatric hospitals. According to one study by the state mental health department, one third of the approximately 6,000 persons involuntarily committed to institutions every year may be con-

fining illegally—a situation the president of the American Civil Liberties Union has called "scandalous."

The new legislation provided increased legal protection for persons faced with commitment petitions and tightened the two criteria—dangerous to others and inability to care for oneself—under which judges can now order commitments. But the bill also added a new criterion, proposed by the American Psychiatric Association, that would have allowed commitments for persons found to be "likely to suffer substantial mental or emotional deterioration."

That language stirred heated opposition from the ACLU, whose officials said they feared it was too vague and so broad that it would lead to substantially more commitments. Had that and several other provisions been improved, the ACLU would have supported the bill, state ACLU director Chan Kendrick said today.

"I'm clearly disappointed," Kendrick said today. "A revision in the law is desperately needed . . . But I don't think it's needed enough to put that loose and broad a standard into the law."

A tired and clearly annoyed Stambaugh said today that he would have accepted amendments deleting the controversial provision had one been offered, but that he didn't offer one himself because "I'm not going to amend my own bill." The Arlington Democrat also said that, despite the interest of some committee members today, he doubted he would support an effort to revive the measure before Sunday's deadline for House committee action on House bills.

"I can't deal with every single damn problem," he said. "I spent a year trying to correct a situation where many of the people are being committed illegally and then we got bogged down by picayune details."

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