

## CHAPTER 255

## SENILE PERSONS

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**255.01 DEFINITIONS.** Subdivision 1. The following words and phrases when used in this law, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

Subd. 2. "Senile person" means any person who by reason of unsoundness of mind due to advanced years is dangerous to himself or others if permitted to go at large, and is in such condition of mind and body as to be a fit subject for care and treatment in a hospital for senile persons; except that no person who is afflicted with insanity, epilepsy or feeble-mindedness shall be regarded as a senile person unless he is senile as above defined.

Subd. 3. "Director" means the director of public institutions.

Subd. 4. "Superintendent" means the superintendent of any state hospital for the mentally ill.

Subd. 5. "State hospital" means any state hospital under the director of public institutions for the care and treatment of mentally ill persons.

Subd. 6. "Patient" means any person for whose commitment as a senile person proceedings have been instituted or completed.

[1945 c. 156 s. 1]

**255.02 APPLICATION FOR ADMISSION TO HOSPITALS.** Any senile person desiring to receive treatment at a state hospital may be admitted upon his own application to the superintendent, if accommodations are available at the hospital, in such manner and upon such conditions as the director may determine. A person thus received at a state hospital shall have the right to leave at any time on giving ten days' notice to the superintendent and shall not be detained under such voluntary admission for more than ten days from and inclusive of the date of notice in writing of his intention or desire to leave unless admission procedure under other sections of this chapter be complied with; nor shall any person be received as a voluntary patient whose mental condition is such that he cannot comprehend the act of voluntary commitment. Upon admission to a state hospital, the patient shall be informed in simple, nontechnical language of his rights of discharge as prescribed herein. The superintendent shall, within ten days after the admission of a patient by voluntary admission, forward to the director a record of the patient in accordance with rules and regulations prescribed by the director.

[1945 c. 156 s. 2]

**255.03 COMMITMENT OF SENILE PERSON.** Subdivision 1. A senile person may be committed to the superintendent of the proper state hospital and detained therein upon an order made by the probate court of the county in which such person resides or in which he may otherwise be present.

Subd. 2. Any reputable citizen may file in the probate court of the county of the patient's settlement or presence, a petition for commitment setting forth the name and address of the patient and of his nearest relative and the reasons for the application. The petition shall be accompanied by a certificate dated within ten days of the filing thereof on a form prescribed by the director executed by a qualified physician duly licensed to practice medicine in the state of Minnesota. The certificate shall contain a statement of the facts and circumstances upon which the judgment of the examiner is based, and shall show the condition of the patient examined is such as to require care and treatment in a state hospital, and shall disclose, so far as possible, the particular mental illness of the patient, and certify that the examining physician has made known to the patient the nature of the examination and the patient's response thereto. The certifying physician shall not

be a relative of the person applying for the admission or of the person alleged to be a senile person. If the court determines it to be for the best interest of the patient or of his family or of the public, the court may direct the sheriff or any other person to apprehend the patient and to take him to and confine him for observation and examination, in any hospital or any other place or institution consenting to receive him in the county wherein the proceedings are pending, or in the psychopathic department of the Minnesota general hospital.

All costs incident to the filing of the petition incurred prior to the hearing thereon, including the physician's fees for the examination and certificate, shall be borne by the person commencing the proceedings insofar as possible, otherwise by the county of the patient's residence.

Subd. 3. Upon the filing of the petition, the court shall order a hearing thereon directing that service of written notice thereof and of the reason for such hearing be given to the patient at least ten days before such hearing. Service of written notice of the hearing shall also be made within a like period on the nearest relative of the patient, if there be any such person known to be within the county; if not, the person with whom the patient may reside, or at whose home he may be, or in his absence, upon a friend of the patient; and if there be no such person or persons, such additional service shall be dispensed with upon the filing of proof that no such person is known to petitioner, except when a qualified physician duly licensed to practice medicine in the state of Minnesota shall certify in writing that, in his opinion, harm might be inflicted upon the patient or others on account of the delay caused by giving the said ten-day notice, then the court hearing the petition may shorten the notice to not less than 24 hours.

Subd. 4. The court shall appoint two qualified physicians duly licensed to practice medicine in the state of Minnesota, one of whom may be the certifying physician, who shall be present at the hearing and adequately examine the patient. Their determination as to the necessity for care and treatment of the patient in a state hospital shall be in writing and submitted to the court forthwith.

Subd. 5. The patient shall be represented by counsel, and if unable to obtain counsel for himself, the court shall appoint counsel for him. Any counsel who may be appointed by the court shall receive such compensation for his services as the judge of probate court shall fix, such compensation to be paid by the county in the same manner and at the same time as the salaries of other county officials. If the patient has no settlement in this state, all proceedings shall be stayed until the director shall have consented thereto.

Subd. 6. The court shall upon the written determination of the two examining physicians and such other proof as may be produced at the hearing make its findings upon such forms as may be prescribed by the director, which shall be filed in the court, and a copy thereof shall be transmitted to the superintendent of the proper state hospital. If the court shall determine that the patient is a senile person in need of care and treatment in a state hospital, he shall be committed thereto, otherwise the application shall be dismissed. The court shall determine the nature and extent of the property of the patient committed and of the persons upon whom liability is imposed by law for his care and support, and make and file in the court its findings upon such forms as may be prescribed by the director. A copy of the findings shall be transmitted to the director.

[1945 c. 156 s. 3]

**255.04 WARRANT OF COMMITMENT.** If the patient is found to be a senile person, the court shall issue to the sheriff or any other person a warrant in duplicate committing the patient to the custody of the superintendent of the proper state hospital. Transportation of the patient to the proper state hospital shall be effected as safely and humanely as possible and in the manner prescribed by the court of commitment, but no female patient shall be taken to the hospital by any person not her husband, father, brother, or son without the attendance of some other woman of reputable character and mature age.

[1945 c. 156 s. 4]

**255.05 EXPENSES, HOW PAID.** The costs, fees, and mileage incurred and ordered paid by the court incident to any commitment under this chapter shall be paid in the amounts and in the manner provided by Minnesota Statutes 1941, Section 525.754.

[1945 c. 156 s. 5]

**255.06 RELEASE OF SENILE PERSON BEFORE COMMITMENT.** Before the delivery of the warrant of commitment, the court may release a senile person to any person who files a bond to the state in such amount as the court may direct conditioned upon the care and safekeeping of the patient; but no person against whom a criminal proceeding is pending or who is dangerous to the public shall be so released.

[1945 c. 156 s. 6]

**255.07 DELIVERY OF SENILE PERSON TO HOSPITAL.** Subdivision 1. Upon delivery of any such person to the hospital to which he has been committed, the superintendent thereof shall retain the duplicate warrant and endorse his receipt upon the original, which shall be filed in the court of commitment. Upon such filing, the court shall transmit a copy of the warrant with all endorsements to the director. After such delivery, the patient shall be under the care, custody, and control of the director until discharged by the superintendent of the hospital or by a court of competent jurisdiction.

Subd. 2. The provisions of law applicable to the costs of the care and maintenance of persons otherwise committed and confined in state hospitals shall be applicable likewise to the costs of the care and maintenance of senile persons.

Subd. 3. The director shall have authority to transfer any senile person who has been committed by the court from one state hospital to another as he may deem best. The superintendent of any state hospital shall have authority to transfer any senile person in his care from any part of the hospital to another or from any building to another building under his supervision as he may deem best.

[1945 c. 156 s. 7]

**255.08 PAROLE OF SENILE PERSON.** Subdivision 1. Any senile person committed under this chapter may be paroled from the state hospital to such persons, upon such terms and under such conditions as may be prescribed by the superintendent.

Subd. 2. The superintendent shall recommend to the director the discharge of any senile person from the hospital as he deems best, due regard being had for the proper care and treatment of the patient after discharge. Upon such recommendation the director shall have the authority to discharge the patient therefrom.

Subd. 3. When a patient is paroled, discharged, transferred to another hospital, dies, escapes, or is returned, the superintendent having charge of the patient shall file notice thereof in the court commitment.

[1945 c. 156 s. 8]

**255.09 COURT COMMISSIONER MAY ACT FOR PROBATE JUDGE.** When the probate judge is unable to act upon any petition for the commitment of any patient, the court commissioner may act in the place of such judge.

[1945 c. 156 s. 9]

**255.10 WHAT CONSTITUTES FELONY.** Whoever, for a corrupt consideration or advantage or through malice, shall make or join in or advise the making of any false petition or report or shall knowingly or wilfully make any false representation for the purpose of causing such petition or report to be made, shall be guilty of a felony and punished by imprisonment in the state prison for not more than one year or by fine of not more than \$500.

[1945 c. 156 s. 10]

**255.11 RESTORATION TO CAPACITY.** Subdivision 1. The patient who has been committed, or any person who considers himself aggrieved by any commitment, may petition the court of commitment or the court to which the venue has been transferred for the restoration to capacity of a senile person. Upon the filing of such petition, the court shall fix the time and place for a hearing thereon. Ten days' written notice of the hearing shall be given to the patient, the director, the superintendent of the hospital in which the patient resides, and to such other persons and in such manner as the court may direct.

Subd. 2. If the petition be filed by any person other than the director, there shall be paid to the director in advance of the hearing all expenses in connection

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with the hearing in such amount as may be fixed by the director for the transportation, board and lodging of the patient and authorized attendants.

Subd. 3. The court shall appoint two qualified physicians, duly licensed to practice medicine in the state of Minnesota, neither of whom shall be the physician whose certificate accompanied the petition for commitment or who was appointed by the court at the time of the hearing on the petition for commitment, who shall be present at the hearing on the petition for restoration to capacity and shall thoroughly examine the patient. The physicians may request the court for an opportunity to re-examine the patient within ten days from the date of the hearing, if they deem best. Their determination of the necessity or lack of necessity for care and treatment of the patient shall be in writing and submitted to the court forthwith. The patient shall be represented by counsel, as provided by section 255.03, subdivision 5. The physicians' fees incurred under this section shall be paid in the amounts and in the manner provided by Minnesota Statutes 1941, Section 525.78.

Subd. 4. If the court shall determine upon proof submitted at the hearing that the patient is not a senile person, the court shall order him restored to capacity at the expiration of 15 days from the date of service of such order upon the director. If restoration be denied, the patient shall be remanded to the superintendent; if restoration be granted, he shall be so remanded for the 15 days aforesaid.

[1945 c. 156 s. 11]

**255.12 APPEALS.** The provisions of Minnesota Statutes 1941, Section 525.79, as amended by Laws 1943, Chapter 612, in respect to appeals shall be applicable likewise to all appeals from orders granting or denying any petition for restoration to capacity of a senile person.

[1945 c. 156 s. 12]