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## Health and Welfare; Involuntary Admission of the Mentally Ill- Standard of Proof

Univeristy of the Pacific, McGeorge School of Law

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cial assistance is available if the Mental Hygiene and Mental Retardation Division (hereinafter referred to as the Division) finds that the person is receiving adequate care and neither the person nor the parent or relative with whom the person lives is reasonably able to pay for the individual's care and support.<sup>16</sup> In addition to determining the eligibility of applicants, the Division is required to adopt regulations establishing procedures for applying for assistance, and for determining whether to provide the eligible applicant with assistance beyond the minimum amount established for the fiscal year.<sup>17</sup>

The eligibility requirements specified by Chapter 441 appear to be self-contradicting: to qualify for financial aid, the Division must find that the family or relative is unable to pay for adequate care for the profoundly mentally retarded person<sup>18</sup> yet the applicants also must be found to be taking adequate care of the person.<sup>19</sup> The Division, however, is charged with promulgating guidelines for determining eligibility<sup>20</sup> and it may adopt guidelines that remedy this problem.

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15. See N.R.S. §435.— 1.

16. See *id.* §435.— 1(a), (b).

17. *Id.* §435.— 2(a), (b), (c).

18. See *id.* §435.— 1(b).

19. See *id.* §435.— 1(a).

20. See *id.* §435.— 2(b).

### Health and Welfare; involuntary admission of the mentally ill— standard of proof

N.R.S. §433A.310 (amended).

SB 612 (Committee on Human Resources and Facilities); STATS 1981, Ch 536

Prior to the enactment of Chapter 536, Nevada law did not specify the standard of proof required in proceedings for involuntary admission of a person to a mental health facility.<sup>1</sup> Chapter 536 was apparently enacted in a response to the recent Supreme Court decision, *Addington v. Texas*.<sup>2</sup> Chapter 536 provides that when determining whether a mentally ill person should be involuntarily admitted to a mental health facility there must be clear and convincing evidence that the person is mentally ill and that the person exhibits observable behavior that he or she is dangerous to him or herself or others or that the

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1. See generally STATUTES OF NEVADA 1975, c. 745, §86, at 1606 (amending N.R.S. §433A.310).

2. 441 U.S. 418 (1979).

person is gravely disabled.<sup>3</sup>

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3. See N.R.S. §433A.310.

### **Health and Welfare; dispositional hearing on placement of foster children**

N.R.S. §62.225 (amended).

SB 578 (Committee on Judiciary); STATS 1981, Ch 751

Existing law requires that a court order placing a child in a foster home or similar institution be reviewed semi-annually by a judge or an appointed master.<sup>1</sup> The purpose of the review is to determine whether continued placement or supervision is in the best interest of the child and the public and whether the child is being treated fairly.<sup>2</sup> Chapter 751 requires dispositional hearings by the court within eighteen months of the review and at least annually thereafter.<sup>3</sup> At the hearings the court must determine whether the child should (1) continue to be placed in the foster home or institution,<sup>4</sup> (2) be returned to his or her parents or other relatives,<sup>5</sup> (3) be placed for adoption or under legal guardianship,<sup>6</sup> or (4) remain in the foster home or similar institution on a long-term basis.<sup>7</sup>

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1. N.R.S. §62.225 1. See *id.* §62.225 5 (review not required if the child is a delinquent or was placed in the home of the child's parent).

2. *Id.* §62.225 1.

3. *Id.* §62.225 3.

4. *Id.* §62.225 4(b).

5. *Id.* §62.225 4(a).

6. *Id.* §62.225 4(c).

7. *Id.* §62.225 4(d).

### **Health and Welfare; dependent children—aid and support**

N.R.S. §§425.060, 425.250, 425.350, 425.360, 425.400 (amended).

AB 158 (Stewart); STATS 1981, Ch 183

(§425.060 *effective May 6, 1981*)

Chapter 183 modifies requirements for aid to dependent children,<sup>1</sup> provides penalties for obtaining assistance by fraudulent means,<sup>2</sup> estab-

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1. See generally N.R.S. §425.060.

2. See generally *id.* §425.250.