

LAWS OF DELAWARE
VOLUME 85
CHAPTER 95
153rd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 152

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO VOLUNTARY ADMISSIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 50, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5003. Voluntary admission procedure.

(f) If any applicant is under the age of 18 years old, the following provisions shall apply:

(1) In the case of voluntary admission to a designated psychiatric treatment facility or hospital, consent to treatment ~~shall~~ may be given only by a parent, legal guardian, or, when the applicant is in DSCYF custody pursuant to Chapter 25 of Title 13, the Department's Director or Deputy Director of the Division of Family Services, or the Director's or Deputy Director's designee ~~when the applicant is in DSCYF custody pursuant to Chapter 25 of Title 13.~~ The request for admission to the designated psychiatric treatment facility or hospital ~~shall~~ must be signed by either the applicant's parent, legal guardian, or, when the applicant is in DSCYF custody pursuant to Chapter 25 of Title 13, the Department's Director or Deputy Director of the Division of Family Services. ~~Services, or the Director's or Deputy Director's designee.~~ when the applicant is in DSCYF custody pursuant to Chapter 25 of Title 13.

(2) A voluntary patient or the voluntary patient's parent, legal guardian, or, when the applicant is in DSCYF custody pursuant to Chapter 25 of Title 13, the Department's Director or Deputy Director of the Division of Family Services, or the Director's or Deputy Director's Designee, ~~when the applicant is in DSCYF custody pursuant to Chapter 25 of Title 13~~ may make a written request to the attending psychiatrist to be discharged at any time.

a. The provisions of subsection (e) of this section shall apply in such instances, except that the voluntary patient's discharge may be conditioned upon the consent of the voluntary patient's parent, legal guardian, or, when the applicant is in DSCYF custody pursuant to Chapter 25 of Title 13, the Department's Director or Deputy Director of the Division of Family Services, or the Director's or Deputy Director's designee ~~when the applicant is in DSCYF custody pursuant to Chapter 25 of Title 13.~~

b. If the voluntary patient's parent, legal guardian, or, when the applicant is in DSCYF custody pursuant to Chapter 25 of Title 13, ~~or~~ the Department's Director or Deputy Director of the Division of Family Services, or the Director's or Deputy Director's designee, ~~when the voluntary patient is in DSCYF custody pursuant to Chapter 25 of Title 13~~ requests the patient's discharge from a treatment facility against the advice of the treatment team and administrator of the facility, the facility may initiate involuntary treatment procedures as provided for under this chapter. The provisions of this paragraph shall apply as if the patient had made the request.

Approved July 21, 2025