

RELEASE, UNLESS THE ADMISSION STATUS OF THE INDIVIDUAL HAS BEEN CHANGED TO AN INVOLUNTARY ADMISSION.

(C) SAME -- MINORS.

A MINOR WHO HAS BEEN ADMITTED VOLUNTARILY, ON THE APPLICATION OF A PARENT OR GUARDIAN OF THE MINOR, MAY NOT BE HELD FOR MORE THAN 3 DAYS AFTER THE APPLICANT FOR THE ADMISSION ASKS FOR RELEASE, UNLESS THE ADMISSION STATUS OF THE MINOR HAS BEEN CHANGED TO AN INVOLUNTARY ADMISSION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 59, § 11(e), (g), the third sentence of (c), and the third sentence of (d).

As to formal applications and informal requests for voluntary admissions, see §§ 10-609 and 10-610 of this title.

Defined terms: "Admission" § 10-101
"Release" § 10-801 "Treatment" § 10-101

10-804. HABEAS CORPUS.

(A) RIGHT OF INDIVIDUAL.

ANY INDIVIDUAL WHO HAS BEEN ADMITTED TO A FACILITY OR VETERANS' ADMINISTRATION HOSPITAL OR ANY PERSON ON BEHALF OF THE INDIVIDUAL MAY APPLY AT ANY TIME TO A COURT OF COMPETENT JURISDICTION FOR A WRIT OF HABEAS CORPUS TO DETERMINE THE CAUSE AND THE LEGALITY OF THE DETENTION.

(B) RIGHT OF ADMINISTRATION.

THE DIRECTOR, IN THE NAME OF THE ADMINISTRATION, MAY MAKE AN APPLICATION FOR A WRIT OF HABEAS CORPUS TO DETERMINE WHETHER A FACILITY PROPERLY ADMITTED OR PROPERLY HOLDS AN INDIVIDUAL. THE STATE'S ATTORNEY FOR THE COUNTY WHERE THE FACILITY IS LOCATED OR THE INDIVIDUAL IS A RESIDENT, ON BEHALF OF THE ADMINISTRATION, SHALL FILE THE APPLICATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 59, § 14.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that a similar provision in § 7-704 of this article, as to release from a mental retardation facility, provides for the Attorney General to file the application and specifies that it is to be filed in the circuit court for the county where the facility is located.