

CHAPTER 18**Mental Illness****SECTIONS**

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§ 1801. Execution of diagnosis, treatment, and care generally.

The diagnosis, treatment, and care of persons suffering from mental disorder shall be carried out in such manner and in such places as may be prescribed by the director of Health Services or his designated representative. When commitment for insanity is indicated, persons may be committed pursuant to the provisions of section 1802 of this chapter. Feeble-minded or mentally ill persons shall not be confined in jails or penal institutions, except temporarily in case of emergency.

Source: TT Code 1966 § 622; TT Code 1970, 63 TTC 401; TT Code 1980, 63 TTC 401.

Cross-reference: The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

§ 1802. Commitment of incompetents—Authorized—Prerequisites; Orders.

(1) The Trial Division of the High Court, or any District court, may, after hearing, commit an insane person within its jurisdiction to any hospital for the care and keeping of the insane in the Trust Territory, or if the court deems best, to a member of the insane person's family lineage or clan, who may thereafter restrain the insane person to the extent necessary for his own safety and that of the public.

(2) Such commitment of an insane person shall be made only on the testimony of two or more witnesses who personally testify in open court and at least one of whom is a doctor of medicine or medical practitioner authorized to practice medicine in the Trust Territory. Before testifying, the medical witness shall have personally examined the person sought to be committed, and shall establish to the satisfaction of the court that the person is insane.

(3) Except when the court is satisfied that the delay incident to giving such notice will be detrimental to the public interest or the welfare of the patient, such a commitment shall not be made until after notice to the allegedly insane person's husband or wife, if any, or one of his parents or one of his children, or next of kin, if any, as determined by local custom.

(4) In making such commitment the court may make such order as it deems in the best interest of the public and of the patient for the patient's temporary custody and transportation to the hospital.

Source: TT Code 1966 § 330; TT Code 1970, 63 TTC 402; TT Code 1980, 63 TTC 402.

§ 1803. Commitment of incompetents—Temporary commitments.

(1) The Trial Division of the High Court, any District court, or any community court, may, after hearing, commit for observation of possible mental illness any person within its jurisdiction. Such commitment shall be made only after testimony presented personally in open court has been received from at least one doctor or medical practitioner authorized to practice medicine in the Trust Territory, or from a nurse, health aide, or nurse's aide, who has personally examined the person sought to be committed, indicating to the satisfaction of the court that the public welfare or the interest of the person demands such commitment; provided, that the court shall, whenever practicable, endeavor to secure the testimony of a doctor or medical practitioner.

(2) Such commitment for observation may be to any person or institution willing to accept the patient, and shall only authorize the patient's detention for a period of not more than thirty days if the services of a doctor or medical practitioner are reasonably available. If such services are not reasonably available, commitment for observation may authorize the patient's detention until he may be brought to a doctor or medical practitioner or until a doctor or a medical practitioner visits the community in which the patient is detained, and for not more than thirty days thereafter. Notice of each such commitment for observation shall be sent by the court making the commitment to the District director of health services by the quickest means practicable.

Source: TT Code 1966 § 331; TT Code 1970, 63 TTC 403; TT Code 1980, 63 TTC 403.

§ 1804. Commitment of incompetents—Transfers.

Any person committed under this chapter may be transferred to any institution deemed suitable for his care by order of the director of Health Services for the Trust Territory or, within any one District, by the district director of health services.

Source: TT Code 1966 § 332; TT Code 1970, 63 TTC 404; TT Code 1980, 63 TTC 404.

§ 1805. Commitment of incompetents—Release.

(1) *By the court.* The husband, wife, parent, or child, or any of the next of kin as determined by local custom of any person committed for observation or as insane under this chapter, may at any time petition the Trial Division of the High Court or the District court of the District where the patient is detained, requesting that the commitment be terminated or the patient paroled, and the court may, after notice to the District director of health services and to the person in charge of the hospital or other place where the patient is detained, and after public hearing, make such order for the release of the patient or his parole under limited supervision or under specified conditions, if any, as it deems appropriate.

(2) *By medical authorities.* The doctor in charge of any hospital for the insane in the Trust Territory may discharge or parole on such conditions as he deems best any patient, except one held on order of a court having criminal jurisdiction in a proceeding arising out of a criminal offense as follows:

(a) upon filing with the clerk of courts in the District in which the hospital is located a written certificate by the doctor in charge that such patient is considered to be recovered, and airmailing a copy of this certificate, postage prepaid, to the clerk of courts of the District from which the patient was committed, if he was committed in another District.

(b) upon filing with the clerk of courts of the Districts in which the hospital is located a written certificate by the doctor in charge that such patient, while not recovered, is considered in remission and is not deemed dangerous to himself or others and is not likely to become a public charge, and airmailing a copy of this certificate, postage prepaid, to the clerk of courts of the District from which the patient was committed, if he was committed in another District.

(c) upon transfer of such patient to an institution for care of mental cases outside of the Trust Territory.

(3) *Temporary leave of absence.* The doctor in charge of any hospital for the insane in the Trust Territory may permit leave of absence for a stated period to any of his hospital patients, under conditions that are satisfactory to the doctor, when in his judgment absence on leave will not be detrimental to the public welfare and will be of benefit to such patient. The doctor in charge of the hospital for the insane from which a patient is absent on leave may, even before the period stated in the leave has expired, terminate the leave and authorize and direct the physical return of such patient to the hospital whenever in the judgment of the doctor the return of the patient would be in the best interest of the public and the patient.

(4) *By person in charge of one committed for observation.* The person to whom or the person in charge of the institution to which a person has been temporarily committed for observation under this code may release such a patient whenever the person to whom or the person in charge of the institution to which the patient has been temporarily committed, deems such release is safe.

Source: TT Code 1966 § 333; TT Code 1970, 63 TTC 405; TT Code 1980, 63 TTC 405.

§ 1806. Commitment of incompetents—Apprehension of absentees or escapes.

Any patient who has been committed under this chapter who is absent on leave, or on parole, or escapes from the hospital or other place of detention to which he has been committed may upon direction of the person in charge of such hospital or place of detention be returned thereto by any policeman, or any official, or employee of such hospital or place of detention, using such force as may be reasonably necessary to effect such return.

Source: TT Code 1966 § 334; TT Code 1970, 63 TTC 406; TT Code 1980, 63 TTC 406.

Cross-reference: The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code. The FSM Supreme Court website contains court decisions, rules, calendar, and other information of the court, the Constitution, the code of the Federated States of Micronesia, and other legal resource information at <http://www.fsmsupremecourt.org/>.