

### §3809-A. Commissioner's guardianship powers

**1. Juvenile client.** The commissioner has all the power over a juvenile client that a guardian has over a ward and that a parent has over a child with regard to person, allowable property that the juvenile client has at the Long Creek Youth Development Center, earnings that the juvenile client receives during the juvenile client's stay at the Long Creek Youth Development Center and the rehabilitation of every juvenile client. If a juvenile client is or becomes 18 years of age while still under commitment, the statutory guardianship of the commissioner over the juvenile client terminates, but the juvenile client remains subject to the control of the commissioner, staff and rules of the facility until the expiration of the period of commitment or until discharge from the facility.

[PL 1999, c. 583, §32 (AMD); PL 2001, c. 439, Pt. G, §6 (AMD).]

**2. Juvenile detainee.** The commissioner has all the power over a juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary medical care and necessary mental health care. If a juvenile detainee is or becomes 18 years of age while still detained, the statutory guardianship of the commissioner over the juvenile detainee terminates, but the juvenile remains subject to the control of the commissioner, staff and rules of the facility until release from the facility.

[PL 2019, c. 155, §1 (AMD).]

**3. Psychiatric hospitalization.** The commissioner has all the power over a juvenile client or juvenile detainee that a guardian has over a ward and that a parent has over a child with regard to necessary psychiatric hospitalization, including hospitalization in a nonstate mental health institution or hospital for the mentally ill. If a juvenile client or juvenile detainee is or becomes 18 years of age while still under commitment or while still detained, the statutory guardianship of the commissioner over the juvenile client or juvenile detainee terminates, but the juvenile client or juvenile detainee remains subject to the control of the commissioner and staff and rules of the facility until the expiration of the period of commitment or until release or discharge from the facility. Nothing in this subsection may be construed to override the requirement to make application for psychiatric hospitalization in accordance with Title 34-B, section 3863, unless hospitalization is made with the juvenile client's or juvenile detainee's consent in accordance with Title 34-B, section 3831. If placement in a licensed residential care facility providing a mental health treatment program is an appropriate alternative to psychiatric hospitalization, that placement may be made by the commissioner with the juvenile client's or juvenile detainee's consent.

[PL 2005, c. 328, §20 (AMD).]

#### SECTION HISTORY

PL 1983, c. 581, §§51,59 (NEW). PL 1997, c. 752, §38 (RPR). PL 1999, c. 401, §J4 (AMD). PL 1999, c. 510, §5 (AMD). PL 1999, c. 583, §32 (AMD). PL 2001, c. 439, §G6 (AMD). PL 2001, c. 517, §1 (AMD). PL 2003, c. 410, §15 (AMD). PL 2003, c. 706, §A11 (AMD). PL 2005, c. 328, §20 (AMD). PL 2019, c. 155, §1 (AMD).

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