§ 15.23 Voluntary admissions; review of status.

(a) No voluntary resident, whether admitted on such status or converted thereto, shall be continued in such status for a period beyond twelve months from the date of commencement of such status or beyond twelve months from the effective date of this chapter, whichever is later, unless the suitability of such resident to remain in such status and his willingness to so remain have been reviewed. The director shall review the suitability of such resident to remain in such status, and the mental hygiene legal service shall review the willingness of such resident to remain in such status. Notice of the determination of the resident's suitability made by the director shall be given to the mental hygiene legal service. If the mental hygiene legal service finds that there is any ground to doubt the director's determination of the suitability of such resident to remain in a voluntary or informal status or the willingness of the resident to so remain, it shall make an application, upon notice to the resident and the director of the school, for a court order determining those questions. In any such proceeding, the resident or someone on his behalf or the mental hygiene legal service may request a hearing. If the mental hygiene legal service finds no ground to doubt the determination of the director as to the suitability, or the willingness of the resident to continue in a voluntary or informal status, it shall so certify and the resident may be continued in the school in such status. A copy of such certification of review shall be filed in the resident's record.

(b) If an application for a court order has been made and a hearing is requested, the provisions governing hearings contained in section 33.31 shall be applicable.

(c) If an application for a court order has been made, the court, in determining the proceeding, may approve the continuation of the resident as a voluntary resident or, if the court finds that the resident is not suitable or willing to continue as a voluntary resident, it may order the discharge of the resident or make such other order as it may deem appropriate in the circumstances.

(d) Prior to the termination of twelve months from the date of the certification by the mental hygiene legal service on such first review or, if an application for a court order has been made, from the date of the first order and, thereafter, prior to the termination of twelve

months from any subsequent certification or subsequent order, as the case may be, the director and the mental hygiene legal service shall conduct another review of the resident's suitability and willingness to remain as a voluntary resident, as set forth in the foregoing subdivisions.