

1973 WL 26962 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 8, 1973

*1 Dr. William S. Hall
State Commissioner
Department of Mental Health
2414 Bull Street
Post Office Box 485
Columbia, South Carolina 29202

Dear Dr. Hall:

Mr. Farroll Gunter, Registrar of the South Carolina State Hospital, has asked that I write you concerning the status of a voluntary patient who has been granted a conditional discharge, the terms of which have been violated, but who refuses to return to the Hospital.

The status of a voluntary patient is in the opinion of this Office somewhat distinct from a patient who has been admitted under one of the involuntary admission procedures, and therefore it is the opinion of this Office that a voluntary patient who is out on conditional discharge and refuses to return upon breach of his discharge, unless he is willing voluntarily to return, may not be forced to do so under any circumstances. Where a voluntary patient is obviously in need of hospitalization, then it will be the responsibility of his family or friends to see that a proper petition is filed in the office of the Judge of Probate for his involuntary admission (medical certification, emergency admission or judicial admission). If a voluntary patient should refuse to return and cannot be convinced that it is in his best interest to do so, your personnel should be advised that no physical force should be employed at any time, but that appropriate procedures through the Probate Court should be utilized to change his admission status.

If you need any further clarification on the status of the voluntary patient, please let me know.

Sincerely,

Raymond G. Halford
Assistant Attorney General

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