



# Pacific Law Journal Review of Selected Nevada Legislative

---

Volume 1987 | Issue 1

Article 23

---

1-1-1987

## Civil Procedure; Sealing Records-Mentally Ill Persons

University of the Pacific, McGeorge School of Law

Follow this and additional works at: <https://scholarlycommons.pacific.edu/nlr>



Part of the [Legislation Commons](#)

---

### Recommended Citation

University of the Pacific, McGeorge School of Law, *Civil Procedure; Sealing Records-Mentally Ill Persons*, 1987 U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1987/iss1/23>

This Legislative Review is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in Pacific Law Journal Review of Selected Nevada Legislative by an authorized editor of Scholarly Commons. For more information, please contact [mgibney@pacific.edu](mailto:mgibney@pacific.edu).

**Civil Procedure; sealing records—mentally ill persons**

NEV. REV. STAT. § 433A.\_\_\_\_ (new); 433A.360 (amended).  
 AB 677 (Committee on the Judiciary); 1987 STAT. Ch 325

Existing law requires all hospitals and mental health facilities<sup>1</sup> to diligently maintain clinical records for each patient.<sup>2</sup> The record is not a public document and may not be released, with specified exceptions,<sup>3</sup> unless by court order.<sup>4</sup> Under Chapter 325, any person admitted to a public or private hospital or mental health facility<sup>5</sup> and who has been released<sup>6</sup> may petition to have all court and clinical records that relate to that person's admission and treatment sealed.<sup>7</sup> The court must hear the petition and order all records sealed if satisfied that the petition and supporting affidavit are true.<sup>8</sup> Once sealed, the records are no longer subject to subpoena<sup>9</sup> and the petitioner's admission is deemed to have never occurred.<sup>10</sup>

MRS

---

1. See NEV. REV. STAT. § 433.144 (definition of mental health center).

2. *Id.* § 433A.360.

3. The record may also be released (1) to a physician, attorney, or social agency as authorized in writing by the client, parent, guardian or attorney; (2) to a qualified staff member of the Division of Mental Health (Division) facility or employees of the Division when deemed necessary for the proper care of the client; (3) for statistical and evaluational purposes if the information is abstracted to protect the client; and (4) with the written permission of the client when necessary for aid, insurance, or medical assistance claims. *Id.* §§ 433A.360 1-5 (amended by 1987 Nev. Stat. ch. 325, sec 8, at \_\_\_\_).

4. *Id.* § 433A.360 2 (amended by 1987 Nev. Stat. ch. 325, sec. 8, at \_\_\_\_).

5. See *id.* §§ 433A.140 (procedures for voluntary admission), 433A.160 (procedures for emergency admission), 433A.200 (involuntary court ordered admission).

6. The person can be released as recovered or with the illness in substantial remission. 1987 Nev. Stat. ch. 325, sec. 3, at \_\_\_\_ (enacting NEV. REV. STAT. § 433A.\_\_\_\_). Substantial remission means that a person professionally qualified in the field of psychiatric mental health has evaluated the person and found, for at least 2 years, no evidence of continuing mental illness which would require the need for psychiatric medication, psychotherapy, or other services related to mental health. *Id.* sec. 2, at \_\_\_\_ (enacting NEV. REV. STAT. § 433A.\_\_\_\_).

7. *Id.* sec. 3, at \_\_\_\_ (enacting NEV. REV. STAT. § 433A.\_\_\_\_). Seal means placing records in a separate file or other repository not accessible to the general public. *Id.* sec. 2, at \_\_\_\_ (enacting NEV. REV. STAT. § 433A.\_\_\_\_). See *id.* sec. 4, at \_\_\_\_ (enacting NEV. REV. STAT. § 433A.\_\_\_\_) (petition requirements).

8. *Id.* sec. 6, at \_\_\_\_ (enacting NEV. REV. STAT. § 433A.\_\_\_\_).

9. *Id.* sec. 8, at \_\_\_\_ (amending NEV. REV. STAT. § 433A.360 2).

10. *Id.* sec. 7, at \_\_\_\_ (enacting NEV. REV. STAT. § 433A.\_\_\_\_) (the petitioner may thereafter answer any question regarding the admittance as if the admission never occurred). See *id.* sec. 7, at \_\_\_\_ (enacting NEV. REV. STAT. § 433A.\_\_\_\_) (petitioner may petition to inspect the records).