

DIVISION OF MENTAL HEALTH AND HOSPITALS

ADMINISTRATIVE BULLETIN 5:03

DATE: December 15, 1982

SUBJECT: Sterilization of Patients
Applicability: H

I. Statutory Provisions

- A. N.J.S.A. 30:4-24.2d(2) stipulates that every patient has the right "not to be subjected to...sterilization without the express and informed consent of the patient, after consultation with counsel or interested party of the patient's choice. Such consent shall be made in writing, a copy of which shall be placed in the patient's treatment record. If the patient has been adjudicated incompetent, a court of competent jurisdiction shall hold a hearing to determine the necessity of such procedure..."

II. Policy

- A. Staff of the hospitals within the Division of Mental Health and Hospitals shall not initiate, perform or pay for voluntary sterilization of any patient, male or female. The consent of the patient, even after consultation with an attorney, is not sufficient.
- B. The only circumstance under which an exception may be made to the above rule is when a court order directs that a patient be sterilized. If such an order is received by the hospital, it must be forwarded immediately to the Office of the Director. No action shall be taken by hospital staff until direction is given by the Director.
- C. If a patient expresses a desire to be sterilized, or if a third party expresses a desire to have a patient sterilized, the patient shall be advised to consult either a private attorney of his or her choice, the Division of Mental Health Advocacy, Legal Services or the Lawyers Referral Service. The attorney selected shall also be advised to direct all communications to the hospitals through the Special Assistant to the Director.


Richard H. Wilson, Director
Division of Mental Health and Hospitals