

STATE OF NEW YORK

5742

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IN ASSEMBLY

February 14, 2019

Introduced by M. of A. GIGLIO, CROUCH, DeSTEFANO, FINCH, KOLB, LAWRENCE, McDONOUGH, MIKULIN, B. MILLER, MORINELLO, SMITH, TAGUE -- Multi-Sponsored by -- M. of A. HAWLEY -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the mental hygiene law, in relation to involuntary substance abuse admission procedures

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The mental hygiene law is amended by adding a new article 20 to read as follows:

ARTICLE 20

INVOLUNTARY SUBSTANCE ABUSE ADMISSION PROCEDURES

Section 20.01 Criteria for involuntary admissions.

20.02 Service provider responsibilities regarding involuntary admissions.

20.03 Referral of involuntarily admitted individual for voluntary treatment.

20.04 Release of individual from protective custody, emergency admission, involuntary assessment, and involuntary treatment.

20.05 Parental participation in treatment.

20.06 Protective custody; circumstances justifying.

20.07 Protective custody with consent.

20.08 Protective custody without consent.

20.09 Dispositional alternatives after protective custody.

20.10 Office to maintain lists of licensed facilities.

20.11 Immunity from liability.

20.12 Emergency admission; circumstances justifying.

20.13 Emergency admission; persons who may initiate.

20.14 Evaluator's certificate for emergency admission.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 20.15 Transportation-assisted delivery of persons for emergency
2 assessment.

3 20.16 Dispositional alternatives after emergency admission.

4 20.17 Involuntary petitions; general provisions; court jurisdic-
5 tion and right to counsel.

6 20.18 Involuntary assessment and stabilization.

7 20.19 Involuntary assessment and stabilization; contents of
8 petition.

9 20.20 Involuntary assessment and stabilization; procedure.

10 20.21 Court determination.

11 20.22 Involuntary assessment and stabilization; responsibility
12 of licensed service provider.

13 20.23 Extension of time for completion of involuntary assessment
14 and stabilization.

15 20.24 Disposition of individual after involuntary assessment.

16 20.25 Involuntary treatment.

17 20.26 Involuntary treatment; persons who may petition.

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23 substance abuse treatment.

24 20.31 Early release from involuntary substance abuse treatment
25 with permission of the court.

26 20.32 Extension of involuntary substance abuse treatment period.

27 20.33 Disposition of individual upon completion of involuntary
28 substance abuse treatment.

29 § 20.01 Criteria for involuntary admissions.

30 Criteria for involuntary admissions includes protective custody, emer-
31 gency admission and other involuntary assessment and involuntary treat-
32 ment, for purposes of assessment and stabilization. A person meets the
33 criteria for involuntary admission if there is a good faith reason to
34 believe such person is substance abuse impaired and, because of such
35 impairment:

36 (a) has been determined of being incapable of self-management or
37 management of personal affairs by reason of the habitual and excessive
38 use of alcohol, drugs, or other mind-altering substances; and

39 (b) (1) has inflicted, threatened, attempted to inflict, or admitted
40 is likely to inflict, physical harm on himself, herself or another; or

41 (2) has committed a crime or crimes or what would be considered crimi-
42 nal if committed to support addiction; or

43 (3) is in need of substance abuse services and, by reason of substance
44 abuse impairment his or her judgment has been so impaired that the
45 person is incapable of appreciating his or her need for such services
46 and of making a rational decision in regard thereto; however, mere
47 refusal to receive such services does not constitute evidence of lack of
48 judgment with respect to his or her need for such services.

49 § 20.02 Service provider responsibilities regarding involuntary admis-
50 sions.

51 It is the responsibility of the service provider to:

52 (a) determine whether the cost of services is within the financial
53 means of the person involuntarily admitted pursuant to section 20.01 of
54 this article or those who are financially responsible for such person's
55 care. If the financial means are not available the facility where the

1 person is held must acquire coverage through insurance, Medicaid or
2 other state means; and

3 (b) take all necessary measures to ensure that each individual in
4 treatment is provided with a safe environment. If an individual's
5 medical condition or behavioral problem becomes such that he or she
6 cannot be safely managed by the service component such service component
7 must petition the court for reassignment to a proper facility who is
8 able to safely manage such individual.

9 § 20.03 Referral of involuntarily admitted individual for voluntary
10 treatment.

11 Upon giving his or her written informed consent and with the permis-
12 sion of the court, an involuntarily admitted individual, as described in
13 section 20.01 of this article, may be referred to a service provider for
14 voluntary admission when the court determines that the individual does
15 not meet the involuntary criteria, described in such section, after a
16 hearing is conducted.

17 § 20.04 Release of individual from protective custody, emergency admis-
18 sion, involuntary assessment, and involuntary treatment.

19 An individual involuntarily admitted to a licensed service provider
20 may be released with permission of the court. Notice of the release must
21 be provided to the applicant in the case of an emergency admission or an
22 alternative involuntary assessment for a minor, or to the petitioner and
23 the court if the involuntary assessment or treatment was court ordered.
24 A monthly report must be provided to the court on the individual's
25 recovery process. In the case of a minor, the release must be:

26 (a) to the individual's parent, legal guardian, or legal custodian or
27 the authorized designee thereof; or

28 (b) to a person authorized to take custody of the individual pursuant
29 to section four hundred seventeen of the social services law.

30 § 20.05 Parental participation in treatment.

31 A parent, legal guardian, or legal custodian who seeks involuntary
32 admission of a minor pursuant to this article is required to be advised
33 on all aspects of treatment as determined appropriate by the director of
34 the licensed service provider.

35 § 20.06 Protective custody; circumstances justifying.

36 A law enforcement officer may implement protective custody measures as
37 specified in this section when a minor or an adult who appears to meet
38 the involuntary admission criteria in section 20.01 of this article is:

39 (a) brought to the attention of law enforcement in a public or private
40 place; or

41 (b) If a person is to be brought to the hospital for a medical evalu-
42 ation, law enforcement must attempt to notify the nearest relative or
43 guardian and advise them on their ability to petition the court to
44 involuntarily commit the individual to rehab. For purposes of this
45 section, a person's "nearest relative" shall be identified as follows
46 and are ranked in priority from highest to lowest: (1) a guardian
47 authorized by the court; (2) a spouse, if not legally separated from the
48 person, or domestic partner; (3) a child of the person who is at least
49 eighteen years of age; (4) a parent of the person; or (5) a sibling of
50 the person who is at least eighteen years of age. If such relative is
51 not reasonably available, willing or competent to act, the person may
52 designate an alternative nearest relative.

53 § 20.07 Protective custody with consent.

54 A person in circumstances which justify protective custody, as
55 described in section 20.06 of this article, may consent to be assisted
56 by a law enforcement officer to a hospital.

1 § 20.08 Protective custody without consent.

2 (a) If a person in circumstances which justify protective custody as
3 described in section 20.06 of this article fails or refuses to consent
4 to assistance and a law enforcement officer has determined that a hospi-
5 tal is the most appropriate place for such person, the officer may take
6 the person to a hospital without the person's consent.

7 (b) If a person is to be brought to the hospital for a medical evalu-
8 ation, law enforcement must attempt to notify the nearest relative or
9 guardian and advise them on their ability to petition the court to
10 involuntarily commit the individual to rehabilitation services.

11 § 20.09 Dispositional alternatives after protective custody.

12 (a) An individual who is in protective custody must be released by a
13 qualified professional when: (1) the individual no longer meets the
14 involuntary admission criteria set forth in subdivision (a) of section
15 20.01 of this article; or

16 (2) a five-day period has lapsed.

17 (b) An individual may only be retained in protective custody beyond a
18 five day period when a petition for involuntary assessment or treatment
19 has been initiated. The timely filing of the petition authorizes the
20 service provider to retain physical custody of the individual pending
21 further order of the court.

22 § 20.10 Office to maintain lists of licensed facilities.

23 The office shall provide appropriate law enforcement with a list of
24 licensed hospitals, including the name, address, and phone number of the
25 hospital.

26 § 20.11 Immunity from liability.

27 A law enforcement officer acting in good faith pursuant to this arti-
28 cle may be not be held criminally or civilly liable for false imprison-
29 ment.

30 § 20.12 Emergency admission; circumstances justifying.

31 A person who meets the criteria for involuntary admission as described
32 in section 20.01 of this article may be admitted to a hospital for emer-
33 gency assessment and/or stabilization upon receipt by the facility of
34 the physician's certificate and the completion of an application for
35 emergency admission.

36 § 20.13 Emergency admission; persons who may initiate.

37 (a) In the case of an adult, the certifying physician, the person's
38 spouse or guardian, any relative of the person, or any other responsible
39 adult who has personal knowledge of the person's substance abuse impair-
40 ment may request an emergency admission for such adult.

41 (b) In the case of a minor, the minor's parent, legal guardian, or
42 legal custodian may request an emergency admission for such minor.

43 § 20.14 Evaluator's certificate for emergency admission.

44 A court appointed evaluator may be a physician, licensed clinical
45 social worker, nurse practitioner, or licensed clinical psychologist
46 that is certified by the office. (a) The evaluator's certificate must
47 include the name of the person to be admitted, the relationship between
48 the person and the physician, the relationship between the applicant and
49 the physician, any relationship between the physician and the licensed
50 service provider, and a statement that the person has been examined and
51 assessed within five days of the application date, and must include
52 factual allegations with respect to the need for emergency admission,
53 including: (1) The reason for the evaluator's belief that th person is
54 substance abuse impaired; and

1 (2) the reason for the evaluator's belief that because of such impair-
2 ment the person has become incapable of self-management or management of
3 personal affairs; and either

4 (3) (i) the reason the evaluator believes that the person has
5 inflicted or is likely to inflict physical harm on himself or herself or
6 others unless admitted; or

7 (ii) the reason the evaluator believes that the person's refusal to
8 voluntarily receive care is based on impaired judgment by reason of
9 substance abuse that the person is incapable of appreciating his or her
10 need for care and of making a rational decision regarding his or her
11 need for care; or

12 (iii) the reason the evaluator believes that the person may have
13 committed acts that would be considered a crime or has in fact been
14 charged with a crime as a result of their addiction.

15 (b) The evaluator's certificate must recommend the least restrictive
16 type of service that is appropriate for the person. The certificate must
17 be signed by the physician.

18 (c) A signed copy of the evaluator's certificate shall accompany the
19 person, and shall be made a part of the person's clinical record,
20 together with a signed copy of the application. The application and
21 physician's certificate authorize the involuntary admission of the
22 person pursuant to, and subject to the provisions of this section and
23 sections 20.13, 20.15, 20.16 and 20.17 of this article.

24 (d) The evaluator's certificate must indicate whether the person
25 requires transportation assistance for delivery for emergency admission
26 and specify, pursuant to section 20.15 of this article, the type of
27 transportation assistance necessary.

28 § 20.15 Transportation-assisted delivery of persons for emergency
29 assessment.

30 An applicant for a person's emergency admission, or the person's
31 spouse or guardian, or a law enforcement officer may deliver a person
32 named in the evaluator's certificate for emergency admission to a hospi-
33 tal for emergency assessment and/or stabilization.

34 § 20.16 Dispositional alternatives after emergency admission.

35 Within seventy-two hours after an emergency admission to a hospital,
36 the individual must be assessed by the attending physician or evaluator
37 to determine the need for further services. Based upon that assessment,
38 a qualified evaluator of the hospital must either:

39 (a) release the individual and, where appropriate, refer the individ-
40 ual to other needed services; or

41 (b) retain the individual when a petition for involuntary assessment
42 or treatment has been initiated, the timely filing of which authorizes
43 the service provider to retain physical custody of the individual pend-
44 ing further order of the court.

45 § 20.17 Involuntary petitions; general provisions; court jurisdiction
46 and right to counsel.

47 (a) Petitions for jurisdiction must be filed in the supreme, county,
48 or family court in the county where the person is present or reasonably
49 believed to be present. The alleged substance abuse impaired person
50 shall be named as the respondent.

51 (b) A respondent has the right to have assigned counsel at every stage
52 of a proceeding relating to a petition for his or her involuntary
53 assessment and a petition for his or her involuntary treatment for
54 substance abuse impairment. A respondent who desires counsel and is
55 unable to afford private counsel has the right to court-appointed coun-
56 sel. If the respondent is a minor not otherwise represented in the

1 proceeding, the court shall immediately appoint a guardian ad litem to
2 act on the minor's behalf.

3 § 20.18 Involuntary assessment and stabilization.

4 A person determined by the court to appear to meet the criteria for
5 involuntary admission under section 20.01 of this article may be admit-
6 ted for a period of seven days to a hospital or an appropriate treatment
7 facility designated by the office, for involuntary assessment and
8 stabilization or to a less restrictive component of a licensed service
9 provider for assessment only upon entry of a court order. Involuntary
10 assessment and stabilization may be initiated by the submission of a
11 petition to the court.

12 (a) If the petition is filed on behalf of an adult, a petition for
13 involuntary assessment and stabilization may be filed by the respond-
14 ent's parent, spouse or guardian, any person eighteen years of age or
15 older that resides with the respondent, any child or sibling of the
16 respondent who is eighteen years of age or older, a physician, a
17 psychologist, a licensed clinical social worker, the director of a
18 licensed service provider or the director's designee, a parole officer
19 or probation officer assigned to supervise the respondent.

20 (b) If the petition is filed on behalf of a minor, a petition for
21 involuntary assessment and stabilization may be filed by a parent, legal
22 guardian, legal custodian, or licensed service provider.

23 § 20.19 Involuntary assessment and stabilization; contents of petition.

24 A petition for involuntary assessment and stabilization must contain
25 the name of the respondent; the name of the applicant or applicants; the
26 relationship between the respondent and the applicant; and if repres-
27 ented, the name of the respondent's attorney, if known, and must state
28 facts to support the need for involuntary assessment and stabilization,
29 including:

30 (a) the reason for the petitioner's belief that the respondent is
31 substance abuse impaired, including any propensity to commit crime to
32 sustain his or her addiction; and

33 (b) the reason for the petitioner's belief that because of such
34 impairment the respondent has become incapable of self-management or
35 management of personal affairs; and

36 (c) (1) the reason the petitioner believes that the respondent has
37 inflicted or is likely to inflict physical harm on himself, herself or
38 others unless admitted; or

39 (2) the reason the petitioner believes that the respondent's refusal
40 to voluntarily receive care is based on impaired judgement by reason of
41 substance abuse that the respondent is incapable of appreciating his or
42 her need for care and of making a rational decision regarding that need
43 for care. If the respondent has refused to submit to an assessment, such
44 refusal must be alleged in the petition.

45 § 20.20 Involuntary assessment and stabilization; procedure.

46 Upon receipt and filing of the petition for the involuntary assessment
47 and stabilization of a substance abuse impaired person by the clerk of
48 the court, the court shall ascertain whether the respondent is repres-
49 ented by an attorney, and if not, whether, on the basis of the petition,
50 an attorney should be appointed and shall:

51 (a) provide a copy of the petition and notice of hearing to the
52 respondent; the respondent's parent, guardian, or legal custodian, in
53 the case of a minor; the respondent's attorney, if known; the petition-
54 er; the respondent's spouse or guardian, if applicable; and such other
55 persons as the court may direct, and have such petition and notice
56 personally delivered to the respondent if he or she is a minor. The

1 court shall also issue a summons to the person whose admission is sought
2 and conduct a hearing with ten days; or

3 (b) without the appointment of an attorney and, relying solely on the
4 contents of the petition, enter an ex parte order authorizing the invol-
5 untary assessment and stabilization of the respondent. The court may
6 order a law enforcement officer or other designated agent of the court
7 to take the respondent into custody and deliver him or her to the near-
8 est appropriate licensed service provider.

9 § 20.21 Court determination.

10 At the hearing initiated in accordance with subdivision (a) of section
11 20.20 of this article, the court shall hear all relevant testimony. The
12 respondent must be present unless the court has reason to believe that
13 his or her presence is likely to be injurious to him or her, in which
14 event the court shall appoint a guardian advocate to represent the
15 respondent. The respondent has the right to examination by a court-ap-
16 pointed qualified professional. After hearing all the evidence, the
17 court shall determine whether there is a reasonable basis to believe the
18 respondent meets the involuntary admission criteria of section 20.01 of
19 this article.

20 (a) Based on its determination, the court shall either dismiss the
21 petition or immediately enter an order authorizing the involuntary
22 assessment and stabilization of the respondent; or, if in the course of
23 the hearing the court has reason to believe that the respondent, due to
24 mental illness other than or in addition to substance abuse impairment,
25 is likely to injure himself or herself or another if allowed to remain
26 at liberty, the court may initiate involuntary proceedings under the
27 provisions of article nine of this chapter.

28 (b) If the court enters an order authorizing involuntary assessment
29 and stabilization, the order shall include the court's findings with
30 respect to the availability and appropriateness of the least restrictive
31 alternatives and the need for the appointment of an attorney to repre-
32 sent the respondent, and may designate the specific licensed service
33 provider to perform the involuntary assessment and stabilization of the
34 respondent. The respondent may choose the licensed service provider to
35 deliver the involuntary assessment where possible and appropriate.

36 (c) If the court finds it necessary, it may order the appropriate law
37 enforcement to take the respondent into custody and deliver him or her
38 to the licensed service provider specified in the court order or, if
39 none is specified, to the nearest appropriate licensed service provider
40 for involuntary assessment.

41 § 20.22 Involuntary assessment and stabilization; responsibility of
42 licensed service provider.

43 A licensed service provider may admit an individual for involuntary
44 assessment and stabilization for a period not to exceed seven days. The
45 individual must be assessed without unnecessary delay by a qualified
46 evaluator.

47 § 20.23 Extension of time for completion of involuntary assessment and
48 stabilization.

49 If a licensed service provider is unable to complete the involuntary
50 assessment and, if necessary, stabilization of an individual within
51 seven days after the court's order, it may, within the original time
52 period, file a written request for an extension of time to complete its
53 assessment, and shall, in accordance with confidentiality requirements,
54 furnish a copy to all parties. With or without a hearing, the court may
55 grant additional time, not to exceed seven days after the date of the
56 renewal order, for the completion of the involuntary assessment and

1 stabilization of the individual. The original court order authorizing
2 the involuntary assessment and stabilization, or a request for an exten-
3 sion of time to complete the assessment and stabilization that is timely
4 filed pursuant to this section, constitutes legal authority to involun-
5 tarily hold the individual for a period not to exceed fourteen days in
6 the absence of a court order to the contrary.

7 § 20.24 Disposition of individual after involuntary assessment.

8 (a) Based upon the involuntary assessment described in section 20.22
9 of this article, a qualified professional of the hospital, court
10 appointed evaluator, or licensed service provider, with permission of
11 the court must:

12 (1) release the individual and, where appropriate, refer the individ-
13 ual to another treatment facility or service provider, or to outpatient
14 services;

15 (2) if an individual does not meet the standards set forth in section
16 20.01 of this article, the service provider may allow the individual,
17 with consent, to remain voluntarily at the licensed provider; or

18 (3) retain the individual when a petition for involuntary treatment
19 has been initiated, the timely filing of which authorizes the service
20 provider to retain physical custody of the individual pending further
21 order of the court.

22 (b) Notice of disposition must be provided to the petitioner and to
23 the court.

24 § 20.25 Involuntary treatment.

25 A person may petition for court-ordered involuntary treatment pursuant
26 to this section if such person meets the criteria for involuntary admis-
27 sion provided in section 20.01 of this article and:

28 (a) has been placed under protective custody pursuant to section 20.06
29 of this article within the previous fourteen days;

30 (b) has been subject to an emergency admission pursuant to section
31 20.12 of this article within the previous fourteen days;

32 (c) has been assessed by a qualified evaluator within seven days; or

33 (d) has been subject to involuntary assessment and stabilization
34 pursuant to section 20.20 of this article within the previous fourteen
35 days.

36 § 20.26 Involuntary treatment; persons who may petition.

37 (a) If the respondent is an adult, a petition for involuntary treat-
38 ment may be filed by the respondent's parent, spouse or guardian, any
39 person eighteen years of age or older that resides with the respondent,
40 any child or sibling of the respondent who is eighteen years of age or
41 older or a service provider.

42 (b) If the respondent is a minor, a petition for involuntary treatment
43 may be filed by a parent, legal guardian, law enforcement officer, or
44 service provider.

45 § 20.27 Contents of petition for involuntary treatment.

46 A petition for involuntary treatment shall contain the name of the
47 respondent to be admitted; the name of the petitioner or petitioners;
48 the relationship between the respondent and the petitioner; the name of
49 the respondent's attorney, if known, and a statement of the petitioner's
50 knowledge of the respondent's ability to afford an attorney; the find-
51 ings and recommendations of the assessment performed by the qualified
52 professional; and the factual allegations presented by the petitioner
53 establishing the need for involuntary treatment, including:

54 (a) the reason for the petitioner's belief that the respondent is
55 substance abuse impaired; and

1 (b) the reason for the petitioner's belief that because of such
2 impairment the respondent has become incapable of self-management or
3 management of personal affairs; and

4 (c) (1) the reason the petitioner believes that the respondent has
5 inflicted or is likely to inflict physical harm on himself or herself or
6 others unless admitted; or

7 (2) the reason the petitioner believes that the respondent has a
8 propensity to commit crime, or has committed what would be considered
9 crimes to support his or her addiction; or

10 (3) the reason the petitioner believes that the respondent's refusal
11 to voluntarily receive care is based on judgment so impaired by reason
12 of substance abuse that the respondent is incapable of appreciating his
13 or her need for care and of making a rational decision regarding that
14 need for care.

15 § 20.28 Duties of court upon filing of petition for involuntary treat-
16 ment.

17 Upon the filing of a petition for the involuntary treatment of a
18 substance abuse impaired person with the clerk of the court, the court
19 shall immediately determine whether the respondent is represented by an
20 attorney or whether the appointment of counsel for the respondent is
21 appropriate. The court must appoint an evaluator to determine the need
22 for emergency admission under section 20.14 of this article. The court
23 shall schedule a hearing to be held on the petition within ten days. A
24 copy of the petition and notice of the hearing must be provided to the
25 respondent; the respondent's parent, guardian, or legal custodian, in
26 the case of a minor; the respondent's attorney, if known; the petition-
27 er; the respondent's spouse or guardian, if applicable; and such other
28 persons as the court may direct, and have such petition and order
29 personally delivered to the respondent if he or she is a minor. The
30 court shall also issue a summons to the person whose admission is
31 sought. The court must order law enforcement to take the individual into
32 custody and bring the individual before the court. If court is not in
33 session, law enforcement must bring the individual to a designated
34 treatment center and notify the court immediately of placement.

35 § 20.29 Hearing on petition for involuntary treatment.

36 (a) At a hearing on a petition for involuntary treatment, the court
37 shall hear and review all relevant evidence, including the review of
38 results of the assessment completed by the qualified professional in
39 connection with the respondent's protective custody, emergency admis-
40 sion, or involuntary assessment. The respondent must be present unless
41 the court finds that his or her presence is likely to be injurious to
42 himself or herself or others, in which event the court must appoint a
43 guardian advocate to act on behalf of the respondent throughout the
44 proceedings.

45 (b) The petitioner has the burden of proving by clear and convincing
46 evidence:

47 (1) the respondent is substance abuse impaired, and

48 (2) because of such impairment the respondent has become incapable of
49 self-management or management of personal affairs; and

50 (i) the respondent has inflicted or is likely to inflict physical harm
51 on himself or herself or others unless admitted; or

52 (ii) the respondent has a propensity to commit crime, or has committed
53 what would be considered crimes, to sustain his or her addiction; or

54 (iii) the respondent's refusal to voluntarily receive care is based on
55 judgement so impaired by reason of substance abuse that the respondent

1 is incapable of appreciating his or her need for care and of making a
2 rational decision regarding that need for care.

3 (c) At the conclusion of the hearing the court shall either dismiss
4 the petition or order the respondent to undergo involuntary substance
5 abuse treatment, with a licensed service provider; as directed by the
6 court with the assistance of the office of alcoholism and substance
7 abuse's database.

8 § 20.30 Court determination; effect of court order for involuntary
9 substance abuse treatment.

10 (a) When the court finds that the conditions for involuntary substance
11 abuse treatment have been proved by clear and convincing evidence, it
12 may order the respondent to undergo involuntary treatment by a licensed
13 service provider. If the court finds it necessary, it may direct the
14 sheriff to take the respondent into custody and deliver him or her to
15 the licensed service provider specified in the court order, or to the
16 nearest appropriate licensed service provider, for involuntary treat-
17 ment. When the conditions justifying involuntary treatment no longer
18 exist, the individual must be released as provided in section 20.31 of
19 this article. When the conditions are justifying involuntary treatment
20 are expected to exist after sixty days of treatment, a renewal of the
21 involuntary treatment order may be requested pursuant to section 20.32
22 of this article prior to the end of the sixty-day period.

23 (b) In all cases resulting in an order for involuntary substance abuse
24 treatment, the court shall retain jurisdiction over the case and the
25 parties for the entry of such further orders as the circumstances may
26 require. The court's requirements for notification of proposed release
27 must be included in the original treatment order.

28 (c) An involuntary treatment order authorizes the licensed service
29 provider to require the individual to undergo such treatment as will
30 benefit him or her, including treatment at any program licensed or
31 certified by the office.

32 § 20.31 Early release from involuntary substance abuse treatment with
33 permission of the court.

34 (a) At any time prior to the end of the sixty-day involuntary treat-
35 ment period, or prior to the end of any extension granted pursuant to
36 section 20.32 of this article, an individual admitted for involuntary
37 treatment may be determined eligible for discharge to the most appropri-
38 ate referral or disposition for the individual when;

39 (1) the individual was admitted on the grounds of likelihood of
40 infliction of physical harm upon himself or herself or others, such
41 likelihood no longer exists; or

42 (2) the individual was admitted on the grounds of need for assessment
43 and stabilization or treatment, accompanied by inability to make a
44 determination respecting such need, such inability no longer exists.

45 (b) Whenever a qualified professional determines that an individual
46 admitted for involuntary treatment is ready for early release for any of
47 the reasons listed in subdivision one of this section, the service
48 provider shall petition the court for permission for early release.

49 § 20.32 Extension of involuntary substance abuse treatment period.

50 (a) Whenever a service provider believes that an individual who is
51 nearing the scheduled date of release from involuntary treatment contin-
52 ues to meet the criteria for involuntary treatment in section 20.25 of
53 this article, a petition for renewal of the involuntary treatment order
54 may be filed with the court at least ten days before the expiration of
55 the court-ordered treatment period. The court shall immediately schedule
56 a hearing to be held not more than fifteen days after filing of the

1 petition. The court shall provide the copy of the petition for renewal
2 and the notice of the hearing to all parties to the proceeding. The
3 hearing is conducted pursuant to section 20.29 of this article.

4 (b) If the court finds that the petition for renewal of the involun-
5 tary treatment order should be granted, it may order the respondent to
6 undergo involuntary treatment for a period not to exceed an additional
7 sixty days. When the conditions justifying involuntary treatment no
8 longer exist, the individual must be released as provided in section
9 20.31 of this article. When the conditions justifying involuntary treat-
10 ment continue to exist after sixty days of additional treatment, a new
11 petition requesting renewal of the involuntary treatment order may be
12 filed pursuant to this section.

13 § 20.33 Disposition of individual upon completion of involuntary
14 substance abuse treatment.

15 At the conclusion of the sixty-day period of court-ordered involuntary
16 treatment, the individual is discharged pursuant to a court order for
17 involuntary treatment unless an application for renewal of the involun-
18 tary treatment order has been filed with the court pursuant to section
19 20.32 of this article.

20 § 2. This act shall take effect immediately.