§ 15.31 Involuntary admission on medical certification; resident's right to a hearing.

(a) If, at any time prior to the expiration of sixty days from the date of involuntary admission of a resident on an application supported by medical certification, he or any relative or friend or the mental hygiene legal service gives notice in writing to the director of request for hearing on the question of need for care and treatment at a school, a hearing shall be held as herein provided. The resident or person requesting a hearing on behalf of the resident may designate the county where the hearing shall be held, which shall be either in the county where the school is located, the county of the resident's residence or the county in which the school to which the resident was first admitted is located. Such hearing shall be held in the county so designated, subject to application by any interested party, including the director, for change of venue to any other county because of the convenience of parties or witnesses or the condition of the resident upon notice to the persons required to be served with notice of the resident's initial admission.

(b) It shall be the duty of the director upon receiving notice of such request for hearing to forward forthwith a copy of such notice with a record of the resident to the supreme court or the county court in the county designated by the applicant, if one be designated, or if no designation be made, then to the supreme court or the county court in the county where such school is located. A copy of such notice and record shall also be given the mental hygiene legal service.

(c) The court which receives such notice shall fix the date of such hearing at a time not later than five days from the date such notice is received by the court and cause the resident, any other person requesting the hearing, the director, the mental hygiene legal service and such other persons as the court may determine to be advised of such date. Upon such date, or upon such other date to which the proceeding may be adjourned, the court shall hear testimony and examine the person alleged to have a developmental disability if it be deemed advisable in or out of court. If it be determined that the resident is in need of retention, the court shall deny the application for the resident's release. If it appears that the relatives of the resident or a committee of his person are willing and able properly to care for him at some

place other than a school, then, upon their written consent, the court may order the transfer of the resident to the care and custody of such relatives or such committee. If it be determined that the resident is not in need of retention, the court shall order the release of the resident.

(d) If the court shall order the release of the resident, such resident shall forthwith be released.

(e) The director of the school authorized to retain or receive and retain such resident shall be immediately furnished with a copy of the order of the court.

(f) The papers in any proceeding under this article which are filed with the county clerk shall be sealed and shall be exhibited only to the parties to the proceeding or someone properly interested, upon order of the court.