

Mental Health—Court-ordered Treatment and Custody; HB 2353

HB 2353 amends provisions in the Care and Treatment Act for Mentally Ill Persons (Act) to extend the time period a person may be held for treatment and to add conditions for which continued treatment may be ordered.

Time Extensions

A court may, under certain circumstances, issue an *ex parte* emergency custody order set to expire at 5:00 p.m. the third day, changed from the second day, the court is open after the issuance.

The bill also extends the deadline for setting a hearing in response to a request for a temporary custody order or an emergency custody order that resulted from noncompliance with a patient's outpatient treatment order.

Finally, the bill extends the period of time for which a court may order continued involuntary treatment of a person in an initial order from a maximum of three months to a maximum of six months.

Outpatient Treatment Orders

Continuing law allows a court to order outpatient treatment in lieu of involuntary inpatient care and treatment if the court makes certain findings. The bill amends those findings to be that the patient:

- Will meet the criteria for required inpatient care in the near future and is only likely to attend outpatient treatment under a court order; or
- If left untreated, is likely to experience worsening symptoms caused by mental illness that would lead to the need for inpatient care and has previously refused mental health services in the community, due to their mental illness.

Additionally, continuing law allows a court order to state specific outpatient conditions to be followed by the patient, including directives and treatment required by the treating outpatient facility. The bill requires such directive and treatment plans to be provided to the court in writing within ten business days after the order for outpatient treatment is issued. Failure to provide such information to the court shall not be considered grounds for dismissal of the order unless the failure was made in bad faith.