

## **IC 12-26-12**

### **Chapter 12. Notice of Discharge of an Individual**

#### **IC 12-26-12-1**

##### **Notification that committed individual will be discharged**

Sec. 1. (a) Except as provided in subsection (c), a court that orders a commitment may order the superintendent to notify the petitioner in the commitment proceeding and other person designated by the court that the committed individual will be discharged.

(b) The notice required under subsection (a) shall be given to the petitioner and other person designated by the court at least twenty (20) days before the end of the commitment period.

(c) A court may not order the director of a community mental health center to notify the person who filed a petition with respect to an individual committed to the community mental health center.

*As added by P.L.2-1992, SEC.20. Amended by P.L.40-1994, SEC.60; P.L.188-2013, SEC.18.*

#### **IC 12-26-12-2**

##### **Request by petitioner for hearing; notification of superintendent**

Sec. 2. (a) Within ten (10) days after receiving a notice under section 1 of this chapter, the petitioner may file a petition with the court that ordered the committed individual's commitment requesting a hearing to determine whether the individual should be discharged.

(b) The petitioner must notify the superintendent of a petition filed with the court under subsection (a).

*As added by P.L.2-1992, SEC.20.*

#### **IC 12-26-12-3**

##### **Absence of hearing request notice; discharge of individual**

Sec. 3. If the superintendent does not receive notice of a request for a hearing within ten (10) days after notice was given under section 2 of this chapter, the committed individual shall be discharged unless the superintendent determines that the individual is mentally ill and either dangerous or gravely disabled.

*As added by P.L.2-1992, SEC.20.*

#### **IC 12-26-12-4**

##### **Receipt by superintendent of hearing request notice; discharge of individual**

Sec. 4. If the superintendent is notified of a petition under section 2 of this chapter, the committed individual may not be discharged except as provided in this chapter.

*As added by P.L.2-1992, SEC.20.*

#### **IC 12-26-12-5**

##### **Petition; hearing date; failure to hold timely hearing; discharge of individual**

Sec. 5. (a) If the court receives a petition under section 2 of this chapter, the court shall set a hearing date.

(b) The hearing date set under subsection (a) must be within twenty (20) days after the petition is filed.

(c) If a hearing is not held within twenty (20) days of the filing of the petition, the committed individual shall be discharged unless either of the following apply:

(1) The individual agrees to a continuance.

(2) The superintendent determines that the individual is mentally ill and either dangerous or gravely disabled.

*As added by P.L.2-1992, SEC.20.*

#### **IC 12-26-12-6**

##### **Hearing; evidence; procedure; rights of committed individual**

Sec. 6. At the hearing:

(1) the petitioner is entitled to present evidence concerning the committed individual's mental or physical condition;

(2) the procedure is the same as provided in IC 12-26-6; and

(3) the committed individual's rights are the same as provided in IC 12-26-6.

*As added by P.L.2-1992, SEC.20.*

#### **IC 12-26-12-7**

##### **Finding that individual is not mentally ill and either dangerous or gravely disabled; discharge**

Sec. 7. The court shall order the discharge of a committed individual and terminate the commitment if the court finds that the individual is not mentally ill and either dangerous or gravely disabled.

*As added by P.L.2-1992, SEC.20.*

#### **IC 12-26-12-8**

##### **Appointment of guardian**

Sec. 8. If the court does not order the discharge of the committed individual under section 7 of this chapter, the court may appoint a guardian to provide for the individual's continued care.

*As added by P.L.2-1992, SEC.20.*