

IC 12-26-15

Chapter 15. Review of Commitment

IC 12-26-15-1

Annual review; contents; filing with court; notice; report on individual committed after verdict of not responsible by reason of insanity

Sec. 1. (a) At least annually, and more often if directed by the court, the superintendent of the facility or the attending physician including the superintendent or attending physician of an outpatient therapy program, shall file with the court a review of the individual's care and treatment. The review must contain a statement of the following:

- (1) The mental condition of the individual.
- (2) Whether the individual is dangerous or gravely disabled.
- (3) Whether the individual:
 - (A) needs to remain in the facility; or
 - (B) may be cared for under a guardianship.

(b) If the court has entered an order under IC 12-26-12-1, the superintendent or the attending physician shall give notice of the review to the petitioner in the individual's commitment proceeding and other persons that were designated by the court under IC 12-26-12-1 or as provided in this section.

(c) If an individual has been committed under IC 35-36-2-4, the superintendent of the facility or the attending physician shall:

- (1) file with the court the report described in subsection (a) every six (6) months, or more often if directed by the court; and
- (2) notify the court, the petitioner, and any other person or persons designated by the court under this section:
 - (A) at least ten (10) days before, or as soon as practicable in case of an emergency, when:
 - (i) the committed individual is allowed outside the facility or the grounds of the facility not under custodial supervision;
 - (ii) the committed individual is transferred to another facility and the location of that facility; or
 - (iii) the committed individual is discharged or the individual's commitment is otherwise terminated; and
 - (B) as soon as practicable if the committed individual escapes.

(d) The court may designate as a person or persons to receive the notices provided in this section a person or persons who suffered harm as the result of a crime for which the committed individual was on trial.

(e) The court may designate as a person or persons to receive the notices provided in this section:

- (1) an individual or individuals described in subsection (d); or
- (2) a designated representative if the person or persons described in subsection (d) are incompetent, deceased, less than eighteen (18) years of age, or otherwise incapable of receiving

or understanding a notice provided for in this section.

(f) A commitment order issued by a court under IC 35-36-2-4 and this article must include the following:

(1) The mailing address, electronic mail address, facsimile number, and telephone number of the following:

(A) The petitioner who filed the petition under IC 35-36-2-4.

(B) Any other person designated by the court.

(2) The notice requirements set forth in this section.

As added by P.L.2-1992, SEC.20. Amended by P.L.40-1994, SEC.61; P.L.77-2004, SEC.2.

IC 12-26-15-2

Receipt by court of review; options; appointment of guardian

Sec. 2. (a) Upon receipt of the report required by section 1 of this chapter, the court shall do one (1) of the following:

(1) Order the individual's continued custody, care, and treatment in the appropriate facility or therapy program.

(2) Terminate the commitment or release the individual from the therapy program.

(3) Conduct a hearing under IC 12-26-12.

(b) The court may, in order to make provision for the individual's continued care, appoint a guardian for the individual.

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

IC 12-26-15-3

Requesting hearing for review or dismissal of commitment or order; frequency of commitment reviews; hearing date

Sec. 3. (a) Upon receiving a copy of the court order, the individual or the individual's representative may request a hearing for review or dismissal of the commitment or order concerning the therapy program. The right to review of the regular commitment or therapy order is limited to one (1) review each year, unless the court determines that there is good cause for an additional review.

(b) When a hearing request is received, the court shall set a hearing date and provide at least five (5) days notice to all of the following:

(1) The individual.

(2) The individual's counsel.

(3) Other interested parties.

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

IC 12-26-15-4

Rights of committed individual; hearing procedures

Sec. 4. (a) The rights of a committed individual are the same as those provided in IC 12-26-6.

(b) Hearing procedures for a hearing under this chapter are the same as those provided in IC 12-26-6.

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

IC 12-26-15-5

Discharge before end of commitment period or court ordered therapy program period; notice to court of discharge or release from therapy program

Sec. 5. (a) Unless the court has entered an order under IC 12-26-12, the individual may be discharged before the end of the commitment period or court ordered therapy program period if either of the following apply:

(1) The superintendent or the attending physician determines that the individual is not mentally ill and either dangerous or gravely disabled.

(2) The superintendent determines, with the written consent of the attending physician, that the individual will enter a facility that provides more appropriate care and treatment immediately following the individual's discharge.

(b) If an individual is discharged or released from a therapy program under this section, the superintendent or the attending physician shall notify the court. The court shall enter an order terminating the commitment or releasing the individual from the therapy program.

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