

IC 12-26-6

Chapter 6. Temporary Commitment

IC 12-26-6-1

90 day commitment of individuals who are mentally ill and either dangerous or gravely disabled

Sec. 1. An individual who is alleged to be mentally ill and either dangerous or gravely disabled may be committed to a facility for not more than ninety (90) days under this chapter.

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

IC 12-26-6-2

Methods by which commitment proceedings may be begun

Sec. 2. (a) A commitment under this chapter may be begun by any of the following methods:

- (1) Upon request of the superintendent under IC 12-26-3-5.
- (2) An order of the court having jurisdiction over the individual following emergency detention.
- (3) Filing a petition with a court having jurisdiction in the county:
 - (A) of residence of the individual; or
 - (B) where the individual may be found.

(b) A petitioner under subsection (a)(3) must be at least eighteen (18) years of age.

(c) A petition under subsection (a)(3) must include a physician's written statement stating both of the following:

- (1) The physician has examined the individual within the past thirty (30) days.
- (2) The physician believes the individual is:
 - (A) mentally ill and either dangerous or gravely disabled; and
 - (B) in need of custody, care, or treatment in an appropriate facility.

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

IC 12-26-6-3

Notice of hearing

Sec. 3. (a) Notice of a hearing under this chapter shall be given to all of the following:

- (1) The individual.
- (2) The petitioner.
- (3) The superintendent or the chief executive officer of a facility having care or custody of the individual.

(b) The notice required by subsection (a) must state the time, place, and date of the hearing.

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

IC 12-26-6-4

Hearing date

Sec. 4. (a) Within three (3) days after a proceeding is begun under

this chapter, the court shall enter an order setting a hearing date.

(b) If the proceeding was begun under section 2(a)(3) of this chapter, the hearing date set under subsection (a) must be more than one (1) day but less than fourteen (14) days from the date of notice.

(c) If the proceeding was begun under section 2(a)(1) or 2(a)(2) of this chapter, the hearing shall be held within ten (10) days after issuance of the order.

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

IC 12-26-6-5

Hearing site

Sec. 5. The court may hold the hearing at a facility or other suitable place not likely to have a harmful effect on the individual's health or well-being.

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

IC 12-26-6-6

Appointment of physician; examination of individual; report

Sec. 6. The court may appoint a physician to do the following:

- (1) Examine the individual.
- (2) Report, before the hearing, the physician's opinion as to the following:
 - (A) Whether the individual is mentally ill and either dangerous or gravely disabled.
 - (B) Whether the individual needs temporary commitment to a facility for diagnosis, care, and treatment.

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

IC 12-26-6-7

Report; dismissal of petition

Sec. 7. If a report made under section 6 of this chapter is that the individual is not either dangerous or gravely disabled, the court may terminate the proceedings and dismiss the petition. Otherwise, the hearing shall proceed as scheduled or as continued by the court.

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

IC 12-26-6-8

Order of commitment

Sec. 8. (a) If, upon the completion of the hearing and consideration of the record, the court finds that the individual is mentally ill and either dangerous or gravely disabled, the court may order the individual to:

- (1) be committed to an appropriate facility; or
- (2) enter an outpatient treatment program under IC 12-26-14 for a period of not more than ninety (90) days.

(b) The court's order must require that the superintendent of the facility or the attending physician file a treatment plan with the court within fifteen (15) days of the individual's admission to the facility under a commitment order.

(c) If the commitment ordered under subsection (a) is to a state

institution administered by the division of mental health and addiction, the record of commitment proceedings must include a report from a community mental health center stating both of the following:

(1) That the community mental health center has evaluated the individual.

(2) That commitment to a state institution administered by the division of mental health and addiction under this chapter is appropriate.

(d) The physician who makes the statement required by section 2(c) of this chapter may be affiliated with the community mental health center that submits to the court the report required by subsection (c).

(e) If the commitment is of an adult to a research bed at Larue D. Carter Memorial Hospital as set forth in IC 12-21-2-3, the report from a community mental health center is not required.

(f) If a commitment ordered under subsection (a) is to a state institution administered by the division of disability and rehabilitative services, the record of commitment proceedings must include a report from a service coordinator employed by the division of disability and rehabilitative services stating that, based on a diagnostic assessment of the individual, commitment to a state institution administered by the division of disability and rehabilitative services under this chapter is appropriate.

(g) If the court makes a finding under subsection (a) (including a finding in reference to a child under IC 31-37-18-3), the court shall transmit any information required by the division of state court administration to the division of state court administration for transmission to the NICS (as defined in IC 35-47-2.5-2.5) in accordance with IC 33-24-6-3.

As added by P.L.2-1992, SEC.20. Amended by P.L.40-1994, SEC.57; P.L.6-1995, SEC.24; P.L.24-1997, SEC.57; P.L.215-2001, SEC.72; P.L.141-2006, SEC.67; P.L.110-2009, SEC.7.

IC 12-26-6-9

Discharge before end of commitment period; notification of court

Sec. 9. (a) Unless the court has entered an order under IC 12-26-12-1, the superintendent or the attending physician may discharge the individual before the end of the commitment period if the superintendent or attending physician determines that the individual is not mentally ill and either dangerous or gravely disabled.

(b) If an individual is discharged under subsection (a), the superintendent or the attending physician shall notify the court, and the court shall enter an order terminating the commitment.

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

IC 12-26-6-10

Additional commitment period; proceedings

Sec. 10. (a) The period of commitment of an individual under this

chapter may be extended for one (1) additional period of not more than ninety (90) days through a proceeding under this section.

(b) A proceeding under this section must be begun before the end of the first period of commitment.

(c) A proceeding under this section may be begun by filing with the court a report by the attending physician or superintendent that states that the individual continues to be:

- (1) mentally ill and either dangerous or gravely disabled; and
- (2) in need of continuing custody, care, or treatment in the facility for an additional period of not more than ninety (90) days.

(d) Upon receiving a report under subsection (c), the court shall set a hearing on the report.

(e) The hearing required by subsection (d) must be held before the end of the current commitment period.

(f) Notice of the hearing required by subsection (d) shall be given to the committed individual and all other interested individuals at least five (5) days before the hearing date.

(g) A committed individual's rights and a petitioner's rights and hearing procedures are the same as those provided for the first period of commitment.

(h) If at the completion of the hearing and the consideration of the record the individual is found to be:

- (1) mentally ill and either dangerous or gravely disabled; and
- (2) in need of continuing custody, care, or treatment in the facility;

the court may order the individual's continuing custody, care, or treatment in the facility for one (1) additional period of not more than ninety (90) days.

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

IC 12-26-6-11

Report required of facility superintendent or attending physician before end of commitment period

Sec. 11. At least twenty (20) days before the end of the first or second temporary commitment period, the superintendent of the facility or the attending physician shall make a report to the court that states all of the following:

- (1) The mental condition of the individual.
- (2) Whether the individual is dangerous or gravely disabled.
- (3) Whether the individual needs continuing care and treatment in a facility for a period of more than ninety (90) days.

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