

IC 12-26

ARTICLE 26. VOLUNTARY AND INVOLUNTARY TREATMENT OF MENTALLY ILL INDIVIDUALS

IC 12-26-1

Chapter 1. Jurisdiction and Procedure

IC 12-26-1-1

Statutes under which mentally ill and either dangerous or gravely disabled may be involuntarily detained or committed

Sec. 1. An individual who is mentally ill and either dangerous or gravely disabled may be involuntarily detained or committed under any of the following statutes:

- (1) IC 12-26-4 (immediate detention).
- (2) IC 12-26-5 (emergency detention).
- (3) IC 12-26-6 (temporary commitment).
- (4) IC 12-26-7 (regular commitment).

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

IC 12-26-1-1.5

Persons to receive information and training concerning involuntary commitment

Sec. 1.5. The following shall, in consultation with the division of mental health and addiction, provide or be provided information and training concerning involuntary commitment, including the use of involuntary commitment for individuals who have a substance abuse or addiction condition:

- (1) Judges, provided by the Indiana judicial center.
- (2) Prosecutors, provided by the prosecuting attorneys council.
- (3) Public defenders, provided by the public defender council of Indiana.

As added by P.L.154-2015, SEC.5.

IC 12-26-1-2

Courts having jurisdiction of proceedings under article; exceptions

Sec. 2. Except as provided in sections 3 and 4 of this chapter, the following Indiana courts have jurisdiction over a proceeding under this article:

- (1) A court having probate jurisdiction.
- (2) A superior court in a county in which the circuit court has exclusive probate jurisdiction.
- (3) A mental health division of a superior court to the extent the mental health division has jurisdiction under IC 33-33-49.

As added by P.L.2-1992, SEC.20. Amended by P.L.16-1995, SEC.4; P.L.98-2004, SEC.94; P.L.201-2011, SEC.9.

IC 12-26-1-3

Hearing required to be held by IC 35-36-2-4

Sec. 3. A court that conducted the trial has jurisdiction over a hearing required to be held by IC 35-36-2-4. The court retains jurisdiction over the individual held under IC 35-36-2-4 until the completion of the commitment hearing. After completion of the commitment hearing, jurisdiction is transferred to a court having jurisdiction under section 2 of this chapter and all subsequent petitions or motions shall be filed with the court to which the proceeding is transferred. The file of the commitment hearing also shall be transferred from the committing court to the court having probate jurisdiction.

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

IC 12-26-1-4

Juvenile court; placement only in child caring institutions; transfer of proceedings

Sec. 4. (a) A juvenile court has concurrent jurisdiction over proceedings under this article that involve a child.

(b) The juvenile court may not commit or temporarily place a child under this article in a facility other than a child caring institution. If the juvenile court determines that commitment or temporary placement of a child in another facility is necessary, the juvenile court shall transfer the proceeding to a court having probate jurisdiction.

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

IC 12-26-1-5

Commitment proceedings; acquisition and retention of jurisdiction

Sec. 5. (a) If a commitment proceeding is begun under IC 12-26-3-5, IC 12-26-6-2(a)(1), or IC 12-26-6-2(a)(3), the court acquires jurisdiction over the individual alleged to have a mental illness by service of summons on the individual according to the Indiana Rules of Trial Procedure or by entry of an appearance by the individual.

(b) If an individual is being held under IC 12-26-6-2(a)(2), the court retains jurisdiction over the individual by the court's order for continued detention.

As added by P.L.2-1992, SEC.20. Amended by P.L.99-2007, SEC.122.

IC 12-26-1-6

Conduct of judicial proceedings; rules of procedure

Sec. 6. Except as otherwise provided, a judicial proceeding under this article shall be conducted as other civil proceedings according to the Indiana Rules of Trial Procedure.

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

IC 12-26-1-7

Computation of time; application of section

Sec. 7. (a) This section does not apply in the following statutes:

- (1) IC 12-26-4.
- (2) IC 12-26-11.
- (3) IC 12-26-12.

(b) This section does not apply to computation of a period during which an individual may be detained under this article.

(c) In computing time under this article, Saturdays, Sundays, and legal holidays are not included in the computation if the time prescribed is less than fourteen (14) days.

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

IC 12-26-1-8

Proceedings under IC 12-26-3-5, IC 12-26-6, or IC 12-26-7; detention of individual

Sec. 8. Upon the filing of a petition for commitment under IC 12-26-6 or IC 12-26-7 or the filing of a report under IC 12-26-3-5, the individual may be detained in an appropriate facility:

- (1) by an order of the court pending a hearing; or
- (2) pending an order of the court under:
 - (A) IC 12-26-3-6;
 - (B) IC 12-26-5-10; or
 - (C) IC 12-26-5-11.

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

IC 12-26-1-9

Appeals; persons entitled to take; manner of taking

Sec. 9. (a) In a proceeding involving involuntary detention or commitment under this article, appeals from the final orders or judgments of the court of original jurisdiction may be taken by any of the following:

- (1) The individual who is the subject of the proceeding.
- (2) A petitioner in the proceeding.
- (3) An aggrieved person.

(b) An appeal must be taken in the same manner as any other civil case according to the Indiana Rules of Trial and Appellate Procedure.

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

IC 12-26-1-10

Rules

Sec. 10. Each division shall adopt rules under IC 4-22-2 to administer this article.

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

IC 12-26-1-11

Forms

Sec. 11. Each division shall prescribe the forms that must be used to administer this article.

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