

IC 12-26-7

Chapter 7. Regular Commitment

IC 12-26-7-1

Application of chapter

Sec. 1. This chapter applies to a proceeding for commitment of an individual:

- (1) alleged to be mentally ill and either dangerous or gravely disabled; and
- (2) whose commitment is reasonably expected to require custody, care, or treatment in a facility for more than ninety (90) days.

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

IC 12-26-7-2

Application of section; commitment of persons apparently suffering from chronic mental illness; initiation of proceedings; petition

Sec. 2. (a) This section does not apply to the commitment of an individual if the individual has previously been committed under IC 12-26-6.

(b) A proceeding for the commitment of an individual who appears to be suffering from a chronic mental illness may be begun by filing with a court having jurisdiction a written petition by any of the following:

- (1) A health officer.
- (2) A police officer.
- (3) A friend of the individual.
- (4) A relative of the individual.
- (5) The spouse of the individual.
- (6) A guardian of the individual.
- (7) The superintendent of a facility where the individual is present.
- (8) A prosecuting attorney in accordance with IC 35-36-2-4.
- (9) A prosecuting attorney or the attorney for a county office if civil commitment proceedings are initiated under IC 31-34-19-3 or IC 31-37-18-3.
- (10) A third party that contracts with the division of mental health and addiction to provide competency restoration services to a defendant under IC 35-36-3-3 or IC 35-36-3-4.

As added by P.L.2-1992, SEC.20. Amended by P.L.4-1993, SEC.203; P.L.5-1993, SEC.216; P.L.1-1997, SEC.86; P.L.77-2004, SEC.1.

IC 12-26-7-3

Petition; physician's written statement; reports

Sec. 3. (a) A petition filed under section 2 of this chapter must include a physician's written statement that states both of the following:

- (1) The physician has examined the individual within the past thirty (30) days.

- (2) The physician believes that the individual is:
- (A) mentally ill and either dangerous or gravely disabled;
 - and
 - (B) in need of custody, care, or treatment in a facility for a period expected to be more than ninety (90) days.

(b) Except as provided in subsection (d), if the commitment is to a state institution administered by the division of mental health and addiction, the record of the proceedings must include a report from a community mental health center stating both of the following:

- (1) The community mental health center has evaluated the individual.
- (2) Commitment to a state institution administered by the division of mental health and addiction under this chapter is appropriate.

(c) The physician who makes the statement required by subsection (a) may be affiliated with the community mental health center that makes the report required by subsection (b).

(d) 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.

(e) 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.

As added by P.L.2-1992, SEC.20. Amended by P.L.40-1994, SEC.58; P.L.6-1995, SEC.25; P.L.24-1997, SEC.58; P.L.215-2001, SEC.73; P.L.141-2006, SEC.68.

IC 12-26-7-4

Hearing date; rights of subject individual; hearing procedures

Sec. 4. (a) Upon receiving:

- (1) a petition under section 2 of this chapter; or
- (2) a report under IC 12-26-6-11 that recommends treatment in a facility for more than ninety (90) days;

the court shall enter an order setting a hearing date.

(b) If an individual is currently under a commitment order, the hearing required by subsection (a) must be held before the expiration of the current commitment period. Notice of a hearing under this subsection shall be given to the individual and all other interested persons at least five (5) days before the hearing date.

(c) The rights of an individual who is the subject of a proceeding under this chapter and of a petitioner are the same as provided in IC 12-26-6.

(d) Hearing procedures are the same as those provided in IC 12-26-6.

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

IC 12-26-7-5

Finding that individual is mentally ill and either dangerous or gravely disabled; order for treatment; duration of order; transmittal of information to NICS

Sec. 5. (a) If at the completion of the hearing and the consideration of the record an individual is found to be mentally ill and either dangerous or gravely disabled, the court may enter either of the following orders:

- (1) For the individual's custody, care, or treatment, or continued custody, care, or treatment in an appropriate facility.
- (2) For the individual to enter an outpatient therapy program under IC 12-26-14.

(b) An order entered under subsection (a) continues until any of the following occurs:

- (1) The individual has been:
 - (A) discharged from the facility; or
 - (B) released from the therapy program.
- (2) The court enters an order:
 - (A) terminating the commitment; or
 - (B) releasing the individual from the therapy program.

(c) If the court makes a finding under subsection (a), 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.110-2009, SEC.8.