

TITLE 3: HUMAN RESOURCES
DIVISION 2: HEALTH

§ 2518. Promptness of Hearings; Witnesses Needed; Required Treatment Plan; Duty to Seek Release.

(a) Whenever a hearing before the court is required by this article, it shall be set promptly in order to allow for an appropriate hearing within the time frames established by this article. There shall be no continuances if the person sought to be committed is in confinement involuntarily at an evaluation or treatment facility, unless requested by the attorney for the allegedly mentally ill person.

(b) The court shall promptly appoint counsel for the person sought to be committed if he is indigent. If it appears that the person is unable to hire an attorney because of the alleged mental illness, but may have funds available to pay for counsel, the court shall make such orders and arrangements for the representation of the person consistent with his due process and other constitutional rights.

(c) In all court proceedings under this article, the rules of evidence that are generally applicable in civil matters shall be applicable.

(d) Proceedings under this article shall be open to the public.

(e) Testimony in proceedings to commit or renew or extend a commitment under this article shall be heard from at least one person who observed the conduct that led to the filing of the commitment petition or renewal or extension request and from at least one attending physician assigned to psychiatric services, psychiatrist or clinical psychologist who personally examined the person sought to be committed within three judicial days before or any time after the filing of the petition or after the person was taken into custody for assessment, evaluation or treatment.

(f) Whenever a person is committed or commitment is renewed or extended under this article, the treatment facility shall prepare promptly and in no event later than within five days a treatment plan which shall be made a part of the patient's record. The person who is committed may request review by the court of the treatment plan. If such a request is filed, a prompt hearing on the request shall be set.

Source: PL 8-36, § 20.