

**202A.051 Proceedings for 60-day and 360-day involuntary hospitalizations --
Petition contents -- Alternatives -- Duties of county attorney -- Discharge
review hearing.**

- (1) Proceedings for up to sixty (60) days or up to three hundred sixty (360) days of involuntary hospitalization of an individual shall be initiated by the filing of a verified petition in District Court.
- (2) The petition and all subsequent court documents shall be entitled: "In the interest of (name of respondent)."
- (3) The petition shall be filed by a qualified mental health professional, peace officer, county attorney, Commonwealth's attorney, spouse, relative, friend, or guardian of the individual concerning whom the petition is filed, or any responsible adult.
- (4) The petition shall set forth:
 - (a) Petitioner's relationship to the respondent;
 - (b) Respondent's name, residence, and current location, if known;
 - (c) The name and residence of respondent's parents, if living and if known, or respondent's legal guardian, if any and if known;
 - (d) The name and residence of respondent's husband or wife, if any and if known;
 - (e) The name and residence of the person having custody of the respondent, if any, or if no such person is known, the name and residence of a near relative or that the person is unknown;
 - (f) Petitioner's belief, including the factual basis therefor, that the respondent is an individual with a mental illness and presents a danger or threat of danger to self, family or others if not restrained;
 - (g) If the petition seeks a three hundred sixty (360) day involuntary hospitalization of the respondent, the petition shall further set forth that the respondent has been hospitalized in a hospital or a forensic psychiatric facility for a period of thirty (30) days under the provisions of this chapter or KRS Chapter 504 within the preceding six (6) months; and
 - (h) Upon request of the county attorney, that the county attorney receives notice of any discharge by a hospital prior to the preliminary hearing under subsection (10) of this section.
- (5) If the petition seeks a sixty (60) day involuntary hospitalization of the respondent, the county attorney may motion the court to amend the petition to seek up to a three hundred sixty (360) day involuntary hospitalization of the individual if the respondent has been hospitalized in a hospital or a forensic psychiatric facility for a period of thirty (30) days under the provisions of this chapter or KRS Chapter 504 within the preceding six (6) months.
- (6) Upon receipt of the petition, the court shall examine the petitioner under oath as to the contents of the petition. If the petitioner is a qualified mental health professional, the court may dispense with the examination.
- (7) If after reviewing the allegations contained in the petition and examining the petitioner under oath, it appears to the court that there is probable cause to believe the respondent should be involuntarily hospitalized, the court shall, unless either the

court or one (1) of the parties objects, implement the procedures provided in KRS 202A.028 and order the individual to be examined without unnecessary delay by a qualified mental health professional. If the person is not being hospitalized under the provisions of this chapter, the court may order that the sheriff of the county or other peace officer transport the person to a hospital or psychiatric facility designated by the cabinet for the purpose of the evaluation. The sheriff or other peace officer may, upon agreement of a person authorized by the peace officer, authorize the cabinet, a private agency on contract with the cabinet, or an ambulance service designated by the cabinet to transport the person to a hospital or psychiatric facility. Following that, the procedures as set forth in KRS 202A.028 shall be carried out. Otherwise, the court shall:

- (a) Set a date for a preliminary hearing within six (6) days from the date of hospitalization of the person under the provisions of this section, excluding holidays and weekends, to determine if there is probable cause to believe the person should be involuntarily hospitalized;
 - (b) Notify the respondent, the legal guardian, if any, and if known, and the spouse, parents, or nearest relative or friend of the respondent concerning the allegations and contents of the petition and the date and purpose of the preliminary hearing; and the name, address, and telephone number of the attorney appointed to represent the respondent; and
 - (c) Cause the respondent to be examined without unnecessary delay by two (2) qualified mental health professionals, at least one (1) of whom is a physician. The qualified mental health professionals shall certify within twenty-four (24) hours, excluding weekends and holidays, their findings.
- (8) (a) If the respondent is being presently hospitalized under the provisions of this chapter, the court may order further hospitalization of the respondent to accomplish the examination ordered by the court.
- (b) If the respondent is not being presently hospitalized under the provisions of this chapter, the court may order that the sheriff of the county or a peace officer transport the respondent to a hospital or a psychiatric facility designated by the cabinet so that the respondent shall be examined without unnecessary delay by two (2) qualified mental health professionals, at least one (1) of whom is a physician. The sheriff or other peace officer may authorize, upon agreement of a person authorized by the peace officer, the cabinet, a private agency on contract with the cabinet, or an ambulance service designated by the cabinet to transport the person to a hospital or psychiatric facility.
- (9) (a) When the court is authorized to issue an order that the respondent be transported to a hospital or psychiatric facility, the court may, in its discretion, issue a summons. A summons so issued shall be directed to the respondent, shall command the respondent to appear at a time and place specified in the summons where the respondent shall be examined by two (2) qualified mental health professionals, at least one (1) of whom is a physician, and shall command the respondent's appearance at the preliminary hearing.
- (b) If a respondent who has been summoned fails to appear for such examination

or at the preliminary hearing, the court may order that the sheriff of the county or a peace officer transport the respondent to a hospital or psychiatric facility designated by the cabinet for the purpose of an evaluation.

(10) If upon completion of the preliminary hearing, the court finds:

(a) There is probable cause to believe the respondent should be involuntarily hospitalized:

1. The court shall order a final hearing within twenty-one (21) days from the date of hospitalization of the respondent under this section to determine if the respondent should continue to be involuntarily hospitalized; and

2. a. The county attorney may motion the court at the conclusion of the preliminary hearing to require the hospital to provide a copy of the respondent's discharge plan to the county attorney prior to discharge. If the hospital plans to discharge the respondent prior to the final hearing under subsection (11) of this section, the court shall require the hospital to provide a copy of the respondent's discharge plan no later than seventy-two (72) hours prior to the respondent's discharge.

b. If the county attorney believes that the discharge plan does not give the respondent a realistic opportunity to avoid imminent readmittance into an inpatient psychiatric hospital for treatment and is insufficient without court-ordered outpatient treatment or reasonable conditions, the county attorney shall make an ex parte motion for a discharge review hearing. The court shall conduct the discharge review hearing at the earliest practicable time, consistent with due process and the availability of counsel, and in no event later than seven (7) days after the motion is made, except with the respondent's consent or upon the court's finding that extraordinary circumstances exist and that delay is indispensable to protect the respondent and the community.

c. Upon completion of the discharge review hearing described under subdivision b. of this subparagraph, if the court finds that the respondent is an individual with a mental illness who presents a danger or threat of danger to self, family, or others as a result of the mental illness, who may reasonably benefit from court-ordered outpatient treatment or release with other reasonable conditions, and for whom court-ordered outpatient treatment or release with other reasonable conditions is the least restrictive alternative mode of treatment available, the court shall order:

i. For a respondent who meets the criteria for court-ordered assisted outpatient treatment set forth in KRS 202A.0815, that a treatment plan be developed in accordance with KRS 202A.0817 within forty-eight (48) hours and the respondent to receive court-ordered assisted outpatient treatment under KRS 202A.0811 to 202A.0831;

- ii. For any other respondent who may benefit from outpatient treatment, a qualified mental health professional to develop a treatment plan within forty-eight (48) hours, the respondent to receive community-based outpatient treatment that shall not exceed three hundred sixty (360) days, and the respondent to comply with any other reasonable conditions necessary to ensure compliance; or
 - iii. The respondent to be released with any reasonable conditions necessary to ensure the safety of self, family, or others and avoid readmittance into a hospital setting;
- (b) There is no probable cause to believe the respondent should be involuntarily hospitalized but that the respondent is an individual with a mental illness who presents a danger or threat of danger to self, family, or others as a result of the mental illness, who may reasonably benefit from court-ordered outpatient treatment or release with other reasonable conditions, and for whom court-ordered outpatient treatment or release with other reasonable conditions is the least restrictive alternative mode of treatment available, the court shall order:
 - 1. For a respondent who meets the criteria for court-ordered assisted outpatient treatment set forth in KRS 202A.0815:
 - a. That a treatment plan be developed in accordance with KRS 202A.0817 within forty-eight (48) hours; and
 - b. The respondent to receive court-ordered assisted outpatient treatment under KRS 202A.0811 to 202A.0831;
 - 2. For any other respondent who may benefit from outpatient treatment:
 - a. A qualified mental health professional to develop a treatment plan within forty-eight (48) hours;
 - b. The respondent to receive community-based outpatient treatment that shall not exceed three hundred sixty (360) days; and
 - c. The respondent to comply with any other reasonable conditions necessary to ensure compliance; or
 - 3. The respondent to be released with any reasonable conditions necessary to ensure the safety of self, family, or others and avoid readmittance into a hospital setting; or
- (c) There is no probable cause to believe the respondent:
 - 1. Should be involuntarily hospitalized; or
 - 2. Is an individual with a mental illness:
 - a. Who presents a danger or threat of danger to self, family, or others as a result of the mental illness;
 - b. Who may reasonably benefit from court-ordered outpatient treatment or release with reasonable conditions; and
 - c. For whom court-ordered outpatient treatment or release with reasonable conditions is the least restrictive alternative mode of treatment available;

the proceedings against the respondent shall be dismissed, and the respondent shall be released from any hospitalization.

(11) If upon completion of the final hearing, the court finds:

(a) The respondent should be involuntarily hospitalized:

1. The court shall order the respondent to:
 - a. Be hospitalized in a hospital for a period not to exceed sixty (60) consecutive days from the date of the court order or a period not to exceed three hundred sixty (360) consecutive days from the date of the court order, whatever was the period of time that was requested in the petition; and
 - b. Comply with all conditions of the hospital's discharge plan; and
2.
 - a. The county attorney may motion the court at the conclusion of the final hearing to require the hospital to provide a copy of the respondent's discharge plan to the county attorney prior to discharge. If the hospital plans to discharge the respondent prior to the expiration of an order under this subsection, the court shall require the hospital to provide a copy of the respondent's discharge plan no later than seventy-two (72) hours prior to the respondent's discharge.
 - b. If the county attorney believes that the discharge plan does not give the respondent a realistic opportunity to avoid imminent readmittance into an inpatient psychiatric hospital for treatment and is insufficient without court-ordered outpatient treatment or reasonable conditions, the county attorney shall:
 - i. Make an ex parte motion for a discharge review hearing. The court shall conduct the discharge review hearing at the earliest practicable time, consistent with due process and the availability of counsel, and in no event later than seven (7) days after the motion is made, except with the respondent's consent or upon the court's finding that extraordinary circumstances exist and that delay is indispensable to protect the respondent and the community; or
 - ii. If the respondent within the past twelve (12) months has been found incompetent to stand trial in a criminal proceeding and has not been committed under KRS Chapter 202C, the county attorney may make a motion to proceed under KRS 202A.0805.
 - c. Upon completion of the discharge review hearing described in subdivision b.i. of this subparagraph, if the court finds that the respondent is an individual with a mental illness, who presents a danger or threat of danger to self, family, or others as a result of the mental illness, who may reasonably benefit from court-ordered outpatient treatment or release with other reasonable conditions, and for whom court-ordered outpatient treatment or release with

other reasonable conditions is the least restrictive alternative mode of treatment available, the court shall order:

- i. For a respondent who meets the criteria for court-ordered assisted outpatient treatment set forth in KRS 202A.0815, that a treatment plan be developed in accordance with KRS 202A.0817 within forty-eight (48) hours and the respondent to receive court-ordered assisted outpatient treatment under KRS 202A.0811 to 202A.0831;
 - ii. For any other respondent who may benefit from outpatient treatment, a qualified mental health professional to develop a treatment plan within forty-eight (48) hours, the respondent to receive community-based outpatient treatment that shall not exceed three hundred sixty (360) days, and the respondent to comply with any other reasonable conditions necessary to ensure compliance; or
 - iii. The respondent to be released with any reasonable conditions necessary to ensure the safety of self, family, or others and avoid readmittance into a hospital setting;
- (b) The respondent should not be involuntarily hospitalized but that the respondent is an individual with a mental illness who presents a danger or threat of danger to self, family, or others as a result of the mental illness, who may reasonably benefit from court-ordered outpatient treatment or release with other reasonable conditions, and for whom court-ordered outpatient treatment or release with other reasonable conditions is the least restrictive alternative mode of treatment available, the court shall order:
1. For a respondent who meets the criteria for court-ordered assisted outpatient treatment set forth in KRS 202A.0815:
 - a. That a treatment plan be developed in accordance with KRS 202A.0817 within forty-eight (48) hours; and
 - b. The respondent to receive court-ordered assisted outpatient treatment under KRS 202A.0811 to 202A.0831;
 2. For any other respondent who may benefit from outpatient treatment:
 - a. A qualified mental health professional to develop a treatment plan within forty-eight (48) hours;
 - b. The respondent to receive community-based outpatient treatment that shall not exceed three hundred sixty (360) days; and
 - c. The respondent to comply with any other reasonable conditions necessary to ensure compliance; or
 3. The respondent to be released with any reasonable conditions necessary to ensure the safety of self, family, or others and avoid readmittance into a hospital setting; or
- (c) The respondent:
1. Should not be involuntary hospitalized; or

2. Is not an individual with a mental illness:
 - a. Who presents a danger or threat of danger to self, family, or others as a result of the mental illness;
 - b. Who may reasonably benefit from court-ordered outpatient treatment or release with reasonable conditions; and
 - c. For whom court-ordered outpatient treatment or release with reasonable conditions is the least restrictive mode of treatment available;

the proceedings against the respondent shall be dismissed, and the respondent shall be released from any hospitalization.

- (12) (a) Failure to comply with an order for outpatient treatment or release with conditions under subsection (10) or (11) of this section shall not be grounds to find the respondent in contempt of court but shall be prima facie evidence that:
 1. The respondent can benefit from inpatient hospitalization; and
 2. Inpatient hospitalization is the least restrictive mode of treatment.
 - (b) If a new petition for involuntary hospitalization is filed within twelve (12) months of an order for outpatient treatment or release with conditions under subsection (10) or (11) of this section, the clerk of the court shall provide the prior order to:
 1. The court with the petition for involuntary hospitalization; and
 2. The qualified mental health professional along with the court's order for examination.
 - (c) The qualified mental health professional who conducts the examination as described under paragraph (b)2. of this subsection shall independently evaluate the respondent, considering the respondent's prior order for outpatient treatment or release with conditions, and certify whether he or she meets the criteria for involuntary hospitalization under KRS 202A.026.
 - (d) A respondent shall not be involuntarily hospitalized based solely on his or her failure to comply with a prior order for outpatient treatment or release with conditions.
- (13) Any petition under this section shall expire after thirty (30) days if not served upon the respondent.

Effective: October 1, 2026

History: Amended 2026 Ky. Acts ch. 92, sec. 11, effective October 1, 2026. -- Amended 1994 Ky. Acts ch. 498, sec. 4, effective July 15, 1994. -- Amended 1988 Ky. Acts ch. 139, sec. 5, effective July 15, 1988. -- Created 1982 Ky. Acts ch. 445, sec. 7, effective July 1, 1982.

Legislative Research Commission Note. This section was enacted in 1982 Acts, Chapter 445, which contains the following language in Section 45 of that Act: "This Act shall become effective on July 1, 1982." The Ky. Constitution, in Section 55, requires that a reason be set forth for the emergency. However, no reason is set forth in this Act. The effective date for 1982 Acts with no emergency provision is July 15, 1982.