202A.0819 Due process and support requirements -- Conduct of hearing -- Ruling on petition -- Reports.

(1) At a hearing and at all stages of a proceeding for court-ordered assisted outpatient treatment, the respondent shall be:

(a) Represented by counsel;

(b) Accompanied by a peer support specialist or other person in a support relationship, if requested by the respondent; and

(c) Afforded an opportunity to present evidence, call witnesses on his or her behalf, and cross-examine adverse witnesses.

(2) If a respondent does not appear at the hearing, and appropriate attempts to elicit the respondent's appearance have failed, the court may conduct the hearing in the respondent's absence.

(3) A qualified mental health professional who recommends court-ordered assisted outpatient treatment for the respondent shall:

(a) Testify at the hearing, in person or via electronic means;

(b) State the facts and clinical determinations which support the allegation that the respondent meets the criteria stated in KRS 202A.0815; and

(c) Testify in support of the treatment plan provided pursuant to KRS 202A.0817, and for each category of proposed evidence-based treatment, he or she shall state the specific recommendation and the clinical basis for his or her belief that such treatment is essential to the maintenance of the respondent's health or safety.

(4) If after hearing all relevant evidence, the court does not find by clear and convincing evidence that the respondent meets the criteria stated in KRS 202A.0815, the court shall deny the petition and the proceedings against the respondent shall be dismissed.

(5) If after hearing all relevant evidence, the court finds by clear and convincing evidence that the respondent meets the criteria stated in KRS 202A.0815, the court may order the respondent to receive assisted outpatient treatment for a period of time not to exceed three hundred sixty (360) days and to comply with any other reasonable conditions necessary to ensure compliance. The court's order shall incorporate a treatment plan, which shall be limited in scope to the recommendations included in the treatment plan provided by the qualified mental health professional pursuant to KRS 202A.0817.

(6) The court shall report every order for assisted outpatient treatment issued under this section to the Department for Behavioral Health, Developmental and Intellectual Disabilities.

Effective: October 1, 2026

History: Amended 2026 Ky. Acts ch. 92, sec. 21, effective October 1, 2026. -- Amended 2019 Ky. Acts ch. 128, sec. 2, effective June 27, 2019. -- Created 2017 Ky. Acts ch. 154, sec. 7, effective June 29, 2017.