

**202B.100 Proceedings for involuntary admission -- Petition -- Duties of court -- Disposition.**

- (1) Proceedings for involuntary admission of a person to an ICF/ID 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 professional in the area of intellectual disabilities, peace officer, county attorney, Commonwealth's attorney, spouse, relative, friend, or guardian of the person concerning whom the petition is filed.
- (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 such person is unknown;
  - (f) Documentation by the petitioner that the respondent has an intellectual disability that shall include the findings of a psychological examination or assessment completed in a reasonable time prior to the filing of the petition that documents a Full Scale IQ in the moderate to severe range of an intellectual disability. If the court finds that a more current psychological examination or assessment is necessary, the court shall order such examination; and
  - (g) Petitioner's belief, including the factual basis therefor, that the respondent presents a danger or threat of danger to self, family, or others if not admitted to an ICF/ID.
- (5) 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 professional in the area of intellectual disabilities, the court may dispense with the examination.
- (6) 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 admitted, the court shall:
  - (a) Set a date for a preliminary hearing;
  - (b) Notify the respondent, the respondent's legal guardian, if any, and if known, and the respondent's spouse, parents, or nearest relative or friend 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) professionals, one (1) of whom is a qualified professional in the area of

intellectual disabilities and one (1) of whom is a licensed psychiatrist, psychologist, or physician with special training and experience in serving individuals with an intellectual disability. One (1) of the professionals shall be from the community, and one (1) shall be an employee of a state operated ICF/ID facility. The qualified professional in the area of intellectual disabilities shall certify his or her findings within twenty-four (24) hours, excluding weekends and holidays.

- (7) (a) If the respondent is presently residing in an ICF/ID under the provisions of this chapter, the court may allow continued further residence therein for the respondent to accomplish the examination ordered by the court.
- (b) If the respondent is not currently residing in an ICF/ID under the provisions of this chapter, the court may order the respondent, the respondent's guardian, or any person or entity exercising custodial control of the respondent to submit the respondent to an examination, without unnecessary delay, by two (2) professionals, one (1) of whom is a qualified professional in the area of intellectual disabilities and one (1) of whom is a licensed psychiatrist, psychologist, or physician with special training and experience in serving individuals with an intellectual disability. One (1) of the professionals shall be from the community, and one (1) shall be an employee of a state-operated ICF/ID facility.
- (8) If, upon completion of the preliminary hearing, the court finds there is probable cause to believe the respondent should be involuntarily admitted, the court shall order a final hearing to determine if the respondent should be involuntarily admitted.
- (9) If the court finds there is no probable cause, the proceedings against the respondent shall be dismissed, and the respondent shall be released from the ICF/ID.
- (10) If, upon completion of the final hearing, the court finds the respondent should be involuntarily admitted, the court shall order the respondent admitted in an ICF/ID for an indeterminate period. The order shall also specify the period within which the initial review pursuant to KRS 202B.250.

**Effective:** July 12, 2012

**History:** Amended 2012 Ky. Acts ch. 146, sec. 46, effective July 12, 2012. -- Amended 2006 Ky. Acts ch. 195, sec. 2, effective July 12, 2006. -- Created 1990 Ky. Acts ch. 147, sec. 9, effective July 13, 1990.