

**202A.051 Proceedings for 60-day and 360-day involuntary hospitalizations --  
Petition contents.**

- (1) Proceedings for sixty (60) days or 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 other interested person.
- (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 mentally ill and presents a danger or threat of danger to self, family or others if not restrained; and
  - (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.
- (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 mental health professional, 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 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 held 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 holding 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.
- (7) (a) If the respondent is being presently held under the provisions of this chapter, the court may order further holding of the respondent to accomplish the examination ordered by the court.
- (b) If the respondent is not being presently held 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.
- (8) 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 therein specified where the respondent shall be there 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. 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.
- (9) If upon completion of the preliminary hearing, the court finds there is probable cause to believe the respondent should be involuntarily hospitalized, the court shall order a final hearing within twenty-one (21) days from the date of holding the respondent under the provisions of this section to determine if the respondent should be involuntarily hospitalized.
- (10) If the court finds there is no probable cause, the proceedings against the respondent shall be dismissed, and the respondent shall be released from any holding.

- (11) If upon completion of the final hearing, the court finds the respondent should be involuntarily hospitalized, the court shall order the respondent 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.

**Effective:** July 15, 1994

**History:** 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.