

Unofficial Document

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2026 REGULAR SESSION

Amend printed copy of **HB 485/HCS 1**

On page 2, line 6, after "debilitation", insert ". For purposes of this paragraph, a person shall be deemed unable to provide for basic personal needs even if a guardian, family member, or friend is willing and able to provide assistance"; and

On page 8, line 1, delete "23", and insert "26" in lieu thereof; and

On page 9, line 24, delete "23", and insert "26" in lieu thereof; and

On page 12, line 4, delete "23", and insert "26" in lieu thereof; and

On page 14, line 1, delete "23", and insert "26" in lieu thereof; and

On page 14, line 13, after "or any", insert "responsible adult", and place brackets around and strike through "other interested person"; and

On page 15, line 8, after "may", delete "file a motion", and insert "motion the court" in lieu thereof; and

On page 18, line 1, delete "the filing of the"; and

On page 18, line 2, after "notice", insert "is given by the hospital"; and

On page 18, line 12, delete "KRS 202A.0815", and insert "Section 12 of this Act" in lieu thereof; and

On page 19, line 11, delete "KRS 202A.0815", and insert "Section 12 of this Act" in lieu thereof; and

On page 21, line 3, delete "the filing of the", and after "notice", insert "is given by the

Amendment No. HFA 2

Rep. Rep. Kimberly Poore Moser

Committee Amendment

Signed: _____

Floor Amendment

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

Doc. ID: XXXX

Not for
Filing

hospital"; and

On page 21, line 19, delete "**KRS 202A.0815**", and insert "**Section 12 of this Act**" in lieu thereof; and

On page 22, line 17, delete "**KRS 202A.0815**", and insert "**Section 12 of this Act**" in lieu thereof; and

On page 24, line 3, delete "**23**", and insert "**26**" in lieu thereof; and

On page 25, line 12, delete "**23**", and insert "**26**" in lieu thereof; and

On page 27, line 9, delete "**23**", and insert "**26**" in lieu thereof; and

On page 28, line 18, delete "**interested party**", and insert "**responsible adult**" in lieu thereof; and

On page 32, line 16, delete "**23**", and insert "**26**" in lieu thereof; and

On page 32, line 27, delete "**23**", and insert "**26**" in lieu thereof; and

On page 33, line 23, delete "**KRS 202A.0815**", and insert "**Section 12 of this Act**" in lieu thereof; and

On page 34, line 16, delete "**23**", and insert "**26**" in lieu thereof; and

On page 35, before line 1, insert the following:

"➔ SECTION 10. A NEW SECTION OF KRS CHAPTER 202A IS CREATED TO READ AS FOLLOWS:

(1) In any proceeding under this chapter, if the respondent agrees:

(a) To comply with a treatment plan; and

(b) That he or she meets the criteria for involuntary hospitalization under Section 26 of this Act, except that outpatient treatment is the least restrictive mode of treatment; and

upon agreement of the court, county attorney, respondent, respondent's counsel, and qualified mental health professional, the court may enter a consent order for the

respondent to receive court-ordered assisted outpatient treatment or community-based outpatient treatment and order other reasonable conditions.

(2) An order entered under subsection (1) of this section shall:

- (a) Be filed with the court and made a part of the record in the proceeding;**
- (b) Specify the terms and conditions of treatment to which the respondent has agreed to;**
- (c) Specify that the respondent is subject to same monitoring, reporting, and review requirements as any contested order to receive court-ordered assisted outpatient treatment or community-based outpatient treatment;**
- (d) Remain in effect for a period not to exceed three hundred sixty (360) days, subject to early termination or modification by the court.**

(3) The failure of a respondent to comply with a consent order entered under this section shall be treated in the same manner as noncompliance with a contested order under this chapter.

➔ Section 11. KRS 202A.0811 is amended to read as follows:

- (1) Proceedings for court-ordered assisted outpatient treatment of a person shall be initiated by the filing of a verified petition for that purpose 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 person concerning whom the petition is filed; or any responsible adult~~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) Petitioner's belief, including the factual basis therefor, that the respondent meets the criteria for court-ordered assisted outpatient treatment as set forth in KRS 202A.0817; and

(d) Whether, within five (5) days prior to the filing of the petition, the respondent has been evaluated by a qualified mental health professional to determine whether the respondent meets the criteria for court-ordered assisted outpatient treatment pursuant to KRS 202A.0815.

(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 court-ordered to assisted outpatient treatment, the court shall:

(a) Order the respondent to be evaluated without unnecessary delay by a qualified mental health professional to determine whether the respondent meets the criteria for court-ordered assisted outpatient treatment set forth in KRS 202A.0815, unless the court has already received the certified findings of such an evaluation conducted no earlier than five (5) days prior to the filing of the petition. The qualified mental health professional shall certify his or her findings to the court within seventy-two (72) hours from receipt of the order, excluding weekends and holidays; and

(b) Set a date for a hearing within six (6) days from the date of the filing of the petition under the provisions of this section, excluding weekends and holidays, to determine if the respondent should be court-ordered to assisted outpatient treatment.

(7) If the court finds there is no probable cause to believe the respondent should be court-ordered to assisted outpatient treatment, the proceedings against the respondent shall be

dismissed.

➔ Section 12. KRS 202A.0815 is amended to read as follows:

~~A~~No person shall **not** be court-ordered to assisted outpatient mental health treatment unless the person:

- (1) Is diagnosed with a serious mental illness;
- (2) Has a history of repeated nonadherence with mental health treatment, which has:
 - (a) At least twice within the last forty-eight (48) months, been a significant factor in necessitating hospitalization or arrest of the person; or
 - (b) Within the last twenty-four (24) months, resulted in an act, threat, or attempt at serious physical injury to self or others;
- (3) Is unlikely to adequately adhere to outpatient treatment on a voluntary basis based on a qualified mental health professional's ~~‡~~:
 - (a) ~~clinical observation~~; and
 - (b) ~~Identification of specific characteristics of the person's clinical condition that significantly impair the person's ability to make and maintain a rational and informed decision as to whether to engage in outpatient treatment voluntarily~~; and
- (4) Is in need of court-ordered assisted outpatient treatment as the least restrictive alternative mode of treatment presently available and appropriate."; and

Renumber subsequent sections accordingly; and

On page 38, line 1, delete "**23**", and insert "**26**" in lieu thereof; and

On page 40, line 22, delete "**11**", and insert "**14**" in lieu thereof; and

On page 64, between lines 17 and 18, insert the following:

"➔ Section 33. The Cabinet for Health and Family Services and Department for Behavioral Health, Developmental and Intellectual Disabilities shall engage the services of the Treatment Advocacy Center to develop and implement a statewide training program to facilitate

implementation of this Act and ensure consistent application of this Act across state and local agencies."; and

Renumber subsequent sections accordingly.