START\_STATUTE36-531.  Evaluation; possible dispositions; release

A.  A person who is being evaluated on an inpatient basis in an evaluation agency shall be released if, in the opinion of the medical director of the agency, further evaluation is not appropriate unless the person applies for further care and treatment on a voluntary basis.

B.  If it is determined on an evaluation of the patient's condition that the patient is, as a result of a mental disorder, a danger to self or to others or has a persistent or acute disability or a grave disability, the medical director in charge of the agency that provided the evaluation, unless the person applies for further care and treatment on a voluntary basis, shall prepare, sign and file a petition for court‑ordered treatment unless the county attorney performs the functions of preparing, signing or filing the petition as provided in subsection C of this section.

C.  The agency may contact the county attorney to obtain assistance in preparing the petition for court‑ordered treatment, and the agency may request the advice and judgment of the county attorney in reaching a decision as to whether court‑ordered treatment is justified.

D.  A person being evaluated on an inpatient basis in an evaluation agency shall be released within seventy‑two hours, excluding weekends and holidays, from the time that the person is hospitalized pursuant to a court order for evaluation, unless the person applies for further care and treatment on a voluntary basis or unless a petition for court‑ordered treatment has been filed pursuant to subsection B of this section.

E.  If a prosecutor filed a petition pursuant to section 13‑4517, the medical director of an evaluation agency shall provide notice within twenty‑four hours to the court and the prosecuting agency of the medical director's intention to release the person under this section.  If the person has been remanded to an evaluation agency pursuant to section 13‑4517, the evaluation agency shall detain the person for an additional twenty‑four hours to allow for the provision of any required notices.  The medical director shall provide the patient's records, including medical and treatment records, to the court and the prosecuting agency.

F.  The administration may conduct jointly with a school district, directly or indirectly, an educational evaluation pursuant to sections 15‑765 and 15‑766 for nonadjudicated youth.  The evaluation information may be shared by and among authorized personnel employed by the administration and the department of education, or authorized personnel from the local education agency, for purposes of ensuring the provision of special education and related services as required by the individuals with disabilities education act (20 United States Code sections 1400 through 1415). END\_STATUTE