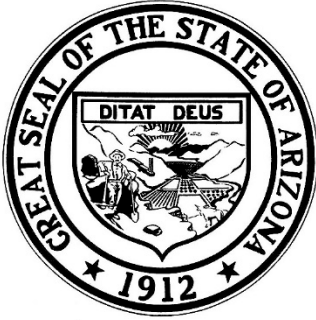


HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **HB 2923**

Hernandez C Floor Amendment

The C Hernandez Floor Amendment dated 3/5/2026 at 7:30am:

1. Decreases the request for judicial review to 60 days after an order of court ordered treatment
2. Mandates the medical director consider the patient's history of behavior and compliance with treatment both before and after the court order was entered.
 - a. Strikes from the consideration:
 - i. including information relevant to the history of patient's behavior during and before the court order was entered from persons known to the mental health treatment agency who have a significant relationship with the patient, including family members and guardians
3. Clarifies the agency has the burden of proving, by clear and convincing evidence, that the patient continues to need court ordered treatment
4. Removes from the hearing for judicial review:
 - a. The mandate the court notify the guardian of the time and place of the hearing
 - b. Allows the guardian submit additional materials for the court to consider and can participate in any hearing scheduled on the request for judicial review
 - c. Listed copies of any additional materials submitted to the court must be given to other parties by the party submitting the additional materials
5. Makes conforming changes

Amendment explanation prepared by M.Bearden

Phone Number 6-5848

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3/5/2026

ADDITIONAL COW
HERNANDEZ C FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2923
(Reference to House engrossed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.
[Green underlining in brackets] indicates text added to new session law or text restoring existing law.
~~[GREEN STRIKEOUT IN BRACKETS]~~ indicates new text removed from statute or previously enacted session law.
~~[Green strikeout in brackets]~~ indicates text removed from existing statute, previously enacted session law or new session law.
<<Green carets>> indicate a section added to the bill.
~~<<Green strikeout in carets>>~~ indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 14-5312.01, Arizona Revised Statutes, is amended
3 to read:

4 14-5312.01. Inpatient treatment; rights and duties of ward
5 and guardian

6 A. Except as provided in subsection B of this section, a guardian
7 of an incapacitated person may consent to psychiatric and psychological
8 care and treatment, including the administration of psychotropic
9 medications, if the care and treatment take place outside an inpatient
10 psychiatric facility licensed by the department of health services.

11 B. On clear and convincing evidence that the ward is an
12 incapacitated person and is likely to be in need of inpatient mental
13 health care and treatment within the period of the authority granted
14 pursuant to this section, the court may authorize a guardian appointed
15 pursuant to this title to give consent for the ward to receive inpatient
16 mental health care and treatment, including placement in an inpatient
17 psychiatric facility licensed by the department of health services and
18 medical, psychiatric and psychological treatment associated with that
19 placement. The evidence shall be supported by the opinion of a mental
20 health expert who is either a physician licensed pursuant to title 32,
21 chapter 13 or 17 and who is a specialist in psychiatry or a psychologist
22 who is licensed pursuant to title 32, chapter 19.1.

23 C. In making its decision to grant authority to a guardian pursuant
24 to subsection B of this section, the court shall consider the cause of the
25 ward's disability and the ward's foreseeable clinical needs. The court
26 shall limit the guardian's authority to what is reasonably necessary to
27 obtain the care required for the ward in the least restrictive treatment

1 alternative. The court may limit the duration of the guardian's authority
2 to consent to inpatient mental health care and treatment and include other
3 orders the court determines necessary to protect the ward's best
4 interests.

5 D. Within forty-eight hours after placement of the ward pursuant to
6 this section, the guardian shall give notice of this action to the ward's
7 attorney. When the attorney receives this notice the attorney shall assess
8 the appropriateness of the placement pursuant to section 36-537,
9 subsection B and section 36-546, subsection ~~H~~ L. If requested by the
10 attorney, the court shall hold a hearing on the appropriateness of the
11 placement within three days after receiving that request.

12 E. The inpatient psychiatric facility shall assess the
13 appropriateness of the ward's placement every thirty days and shall
14 provide a copy of the assessment report to the ward's attorney on request.
15 The ward's attorney may attend the ward's evaluation, staffing, treatment
16 team and case management meetings.

17 F. When the ward is admitted to an inpatient psychiatric facility
18 pursuant to this section, the guardian shall provide the facility with the
19 name, address and telephone number of the ward's attorney. The facility
20 shall include this information in the ward's treatment record.

21 G. Within twenty-four hours after the facility receives any writing
22 in which the ward requests release from the facility, any change in
23 placement or a change in the type or duration of treatment, the facility
24 shall forward this information to the ward's attorney.

25 H. All health care providers, treatment facilities and regional
26 behavioral health authorities shall allow the ward's attorney access to
27 all of the ward's medical, psychiatric, psychological and other treatment
28 records.

29 I. The ward's guardian shall place the ward in a least restrictive
30 treatment alternative within five days after the guardian is notified by
31 the medical director of the inpatient facility that the ward no longer
32 needs inpatient care. The ward, a representative of the inpatient
33 treatment facility, the ward's attorney, the ward's physician or any other
34 interested person may petition the court to order the facility to
35 discharge the ward to a least restrictive treatment alternative if the
36 guardian does not act promptly to do so.

37 J. If the ward is in an inpatient psychiatric facility at the time
38 of the initial hearing on the petition for appointment of a guardian, the
39 court investigator and the ward's attorney shall advise the court of the
40 appropriateness of the placement.

41 K. An attorney appointed pursuant to section 14-5303, subsection C
42 remains the attorney of record until the attorney is discharged by the
43 court. The court shall ensure that a ward whose guardian has been granted
44 inpatient mental health treatment authority is represented by an attorney
45 at all times the guardian has that authority. Unless the court finds that
46 the ward has insufficient assets to meet the ward's reasonable and

1 necessary care and living expenses, the ward shall pay the attorney's
2 reasonable fees.

3 L. If deemed necessary to adequately assess a request for inpatient
4 mental health treatment authority or to review the ward's placement in an
5 inpatient psychiatric facility, the court may order an independent
6 evaluation by either a physician who is licensed pursuant to title 32,
7 chapter 13 or 17 and who is a specialist in psychiatry or a psychologist
8 who is licensed pursuant to title 32, chapter 19.1. If the ward has
9 insufficient funds to pay the total cost of this evaluation, the court may
10 deem all or any part of the evaluator's fee to be a county expense after
11 determining the reasonableness of that fee.

12 M. Instead of ordering an independent evaluation pursuant to
13 subsection L of this section, the court may accept a report conducted on
14 behalf of the inpatient psychiatric facility if the court finds that the
15 report meets the requirements of an independent evaluation.

16 N. The court may decide that the ward's right to retain or obtain a
17 driver license and any other civil right that may be suspended by
18 operation of law is not affected by the appointment of a guardian.

19 O. If the court grants the guardian the authority to consent to
20 inpatient mental health care and treatment pursuant to this section, the
21 medical director of an inpatient psychiatric facility licensed by the
22 department of health services may admit the ward at the guardian's
23 request.

24 P. A guardian who is authorized by the court to consent to
25 inpatient mental health care and treatment pursuant to this section shall
26 file with the annual report of the guardian required pursuant to section
27 14-5315 an evaluation report by a physician or a psychologist who meets
28 the requirements of subsection B of this section. The evaluation report
29 shall indicate if the ward will likely need inpatient mental health care
30 and treatment within the period of the authority granted pursuant to this
31 section. If the guardian does not file the evaluation report or if the
32 report indicates that the ward will not likely need inpatient mental
33 health care and treatment, the guardian's authority to consent to this
34 treatment ceases on the expiration of the period specified in the prior
35 court order. If the report supports the continuation of the guardian's
36 authority to consent to inpatient treatment, the court may order that the
37 guardian's authority to consent to this treatment continues. If the
38 report supports the continuation of the guardian's authority to consent to
39 this treatment, the ward's attorney shall review the report with the
40 ward. The ward may contest the continuation of the guardian's authority
41 by filing a request for a court hearing within ten business days after the
42 report is filed. The court shall hold this hearing within thirty calendar
43 days after it receives the request. The guardian's authority continues
44 pending the court's ruling on the issue. At the hearing the guardian has
45 the burden of proving by clear and convincing evidence that the ward is
46 likely to be in need of inpatient mental health care and treatment within
47 the period of the authority granted pursuant to this section.

1 Q. The court may discharge an attorney who was appointed pursuant
2 to section 14-5303, subsection C subsequent to the appointment of a
3 guardian if it clearly appears from specific facts presented by affidavit
4 or verified petition that continued representation of the ward is no
5 longer necessary or desirable. The factual basis must include, at a
6 minimum, consideration of the following:

7 1. The nature and history of the ward's illness.

8 2. The ward's history of hospitalization.

9 3. The ward's current and anticipated living arrangements.

10 4. Whether the ward's inpatient treatment is anticipated to be a
11 ~~one-time~~ ONETIME hospitalization for the purpose of stabilizing the ward's
12 condition and further hospitalizations are not likely to be necessary.

13 5. Whether the ward's current and anticipated living arrangements
14 are the least restrictive alternatives possible.

15 Sec. 2. Section 36-546, Arizona Revised Statutes, is amended to
16 read:

17 36-546. Judicial review; right to be informed; request;
18 jurisdiction

19 A. ~~In addition to the procedure for applying for a writ of habeas~~
20 ~~corpus, as provided in title 13, chapter 38, article 26,~~ A patient
21 receiving court-ordered treatment or any person acting on the patient's
22 behalf may request ~~the patient's release pursuant to the following:~~

23 ~~1. A request in writing may be presented to any member of the~~
24 ~~treatment staff of the agency providing the patient's treatment. The~~
25 ~~request may be made on a prescribed form that shall be prepared by the~~
26 ~~facility and made available for use by any person. The completed form~~
27 ~~shall identify:~~

28 ~~(a) The patient being treated and the agency at which the patient~~
29 ~~is being treated.~~

30 ~~(b) The person to whom the request for release was made.~~

31 ~~(c) The person making the request for release, indicating whether~~
32 ~~the person is the patient being treated or someone acting on the person's~~
33 ~~behalf.~~

34 ~~2. The request, when signed and dated by the person making the~~
35 ~~request for release, shall be delivered to the medical director of the~~
36 ~~agency. Within three days of receipt of the request, the medical director~~
37 ~~shall deliver the form, along with a current psychiatric report of the~~
38 ~~patient's condition, to the clerk of the court. If the person presenting~~
39 ~~the request refuses to sign the form, the medical director of the agency~~
40 ~~shall proceed as if the form had been signed and shall note on the form~~
41 ~~the circumstances as to why the form was not signed. THAT THE COURT REVIEW~~
42 ~~WHETHER THE PATIENT IS STILL IN NEED OF CONTINUED COURT-ORDERED TREATMENT.~~
43 ~~THE RIGHTS AND PROCEDURES PRESCRIBED IN THIS SECTION ARE IN ADDITION TO~~
44 ~~THE RIGHTS AND PROCEDURES FOR APPLYING FOR A WRIT OF HABEAS CORPUS AS~~
45 ~~PROVIDED IN TITLE 13, CHAPTER 38, ARTICLE 26.~~

46 B. A REQUEST FOR JUDICIAL REVIEW MAY NOT BE MADE SOONER THAN
47 ~~[NINETY]~~ [SIXTY] DAYS AFTER THE ORIGINAL ORDER FOR COURT-ORDERED TREATMENT

1 IS ENTERED. EXCEPT FOR REQUESTS FOR JUDICIAL REVIEW MADE PURSUANT TO
2 SECTION 36-540, SUBSECTION E, PARAGRAPHS 5 AND 6 AND SECTION 36-540.01,
3 SUBSECTION K, A REQUEST FOR A SUBSEQUENT JUDICIAL REVIEW MAY NOT BE MADE
4 SOONER THAN SIXTY DAYS AFTER AN ORDER DECIDING A PREVIOUS REQUEST FOR
5 JUDICIAL REVIEW IS ENTERED.

6 ~~B.~~ C. The patient shall be informed BY THE MEDICAL DIRECTOR OF THE
7 MENTAL HEALTH TREATMENT AGENCY of the patient's right to judicial review
8 ~~by the medical director of the agency~~ and the patient's right to consult
9 with ~~counsel~~ AN ATTORNEY at least once each sixty days while the patient
10 is undergoing court-ordered treatment. The notification required by this
11 subsection shall be recorded in the clinical record of the patient by the
12 individual who gave the notice.

13 ~~C. With the exception of requests made pursuant to section 36-540,~~
14 ~~subsection E, paragraphs 5 and 6 and section 36-540.01, subsection K for~~
15 ~~judicial review, a request for judicial review may not be made sooner than~~
16 ~~sixty days after the issuance of the order for treatment or a hearing on a~~
17 ~~previous petition for habeas corpus or the issuance of the court order or~~
18 ~~other final resolution determining a previous request for judicial review~~
19 ~~by the patient.~~

20 D. A REQUEST FOR JUDICIAL REVIEW SHALL BE MADE IN THE FOLLOWING
21 MANNER:

22 1. A WRITTEN REQUEST FOR JUDICIAL REVIEW MAY BE PRESENTED TO ANY
23 MEMBER OF THE TREATMENT STAFF OF THE MENTAL HEALTH TREATMENT AGENCY
24 PROVIDING THE PATIENT'S TREATMENT. THE REQUEST MAY BE MADE BY THE
25 PATIENT, AN ATTORNEY REPRESENTING THE PATIENT OR A HEALTH CARE
26 DECISION-MAKER ACTING ON BEHALF OF THE PATIENT. THE REQUEST MAY BE MADE ON
27 A PRESCRIBED FORM THAT IS PREPARED BY THE MENTAL HEALTH TREATMENT AGENCY
28 AND MADE AVAILABLE FOR USE BY ANY PERSON. THE COMPLETED FORM SHALL
29 IDENTIFY:

30 (a) THE NAME AND DATE OF BIRTH OF THE PATIENT BEING TREATED.

31 (b) THE MENTAL HEALTH TREATMENT AGENCY ASSIGNED TO SUPERVISE AND
32 ADMINISTER THE PATIENT'S TREATMENT PROGRAM AND, IF THE PATIENT IS BEING
33 TREATED AS AN INPATIENT, THE INPATIENT MENTAL HEALTH TREATMENT AGENCY AT
34 WHICH THE PATIENT IS BEING TREATED.

35 (c) THE NAME OF THE PERSON TO WHOM THE REQUEST FOR JUDICIAL REVIEW
36 WAS PRESENTED AND THE DATE THE REQUEST WAS RECEIVED.

37 (d) WHETHER THE PERSON MAKING THE REQUEST IS THE PATIENT BEING
38 TREATED OR SOMEONE ACTING ON THE PATIENT'S BEHALF. IF THE REQUEST IS MADE
39 BY SOMEONE OTHER THAN THE PATIENT, THE FORM MUST IDENTIFY THE NAME AND
40 CONTACT INFORMATION OF THE PERSON MAKING THE REQUEST AND IN WHAT CAPACITY
41 THE PERSON IS ACTING ON BEHALF OF THE PATIENT.

42 2. A MENTAL HEALTH TREATMENT STAFF MEMBER WHO RECEIVES A WRITTEN
43 REQUEST FOR JUDICIAL REVIEW SHALL PROMPTLY DELIVER THE REQUEST TO THE
44 MEDICAL DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY. IF THE PERSON
45 PRESENTING THE REQUEST REFUSES TO SIGN IT, THE MEDICAL DIRECTOR OF THE
46 MENTAL HEALTH TREATMENT AGENCY SHALL PROCEED AS IF THE REQUEST HAD BEEN

1 SIGNED AND SHALL NOTE ON THE REQUEST THE CIRCUMSTANCES WHY THE REQUEST WAS
2 NOT SIGNED.

3 3. WITHIN THREE BUSINESS DAYS AFTER RECEIVING THE REQUEST, THE
4 MEDICAL DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY OR THE MEDICAL
5 DIRECTOR'S DESIGNEE SHALL DELIVER THE REQUEST, ALONG WITH A CURRENT
6 PSYCHIATRIC REPORT OF THE PATIENT'S CONDITION, TO BE FILED WITH THE CLERK
7 OF THE COURT. THE CURRENT PSYCHIATRIC REPORT SHALL EXPRESS THE OPINION OF
8 THE MEDICAL DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY AS TO WHETHER
9 THE PATIENT CONTINUES TO MEET THE CRITERIA FOR COURT-ORDERED TREATMENT.
10 IF THE MEDICAL DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY IS OF THE
11 OPINION THAT A COURT ORDER FOR TREATMENT IS NO LONGER NEEDED BECAUSE,
12 ALTHOUGH THE PATIENT CONTINUES TO HAVE A MENTAL DISORDER, THE PATIENT IS
13 WILLING TO ACCEPT VOLUNTARY TREATMENT, THE MEDICAL DIRECTOR OF THE MENTAL
14 HEALTH TREATMENT AGENCY SHALL STATE AN OPINION REGARDING THE PATIENT'S
15 ABILITY TO ACCEPT AND FOLLOW THROUGH WITH RECOMMENDED TREATMENT
16 VOLUNTARILY. IN RENDERING SUCH AN OPINION, THE MEDICAL DIRECTOR OF THE
17 MENTAL HEALTH TREATMENT AGENCY SHALL CONSIDER THE PATIENT'S HISTORY OF
18 ~~[BEHAVIOR AND]~~ COMPLIANCE WITH TREATMENT BOTH BEFORE AND AFTER THE COURT
19 ~~ORDER WAS ENTERED[.] [, INCLUDING INFORMATION RELEVANT TO THE HISTORY OF~~
20 ~~PATIENT'S BEHAVIOR DURING AND BEFORE THE COURT ORDER WAS ENTERED FROM~~
21 ~~PERSONS KNOWN TO THE MENTAL HEALTH TREATMENT AGENCY WHO HAVE A SIGNIFICANT~~
22 ~~RELATIONSHIP WITH THE PATIENT, INCLUDING FAMILY MEMBERS AND~~
23 ~~GUARDIANS. BEFORE RENDERING AN OPINION REGARDING THE PATIENT'S ABILITY TO~~
24 ~~ACCEPT AND FOLLOW THROUGH WITH RECOMMENDED TREATMENT VOLUNTARILY, THE~~
25 ~~MEDICAL DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY SHALL MAKE A GOOD~~
26 ~~FAITH EFFORT TO CONTACT PERSONS KNOWN TO THE MENTAL HEALTH TREATMENT~~
27 ~~AGENCY WHO HAVE A SIGNIFICANT RELATIONSHIP WITH THE PATIENT.]~~

28 E. IF THE PATIENT IS UNDER A GUARDIANSHIP, WITHIN THREE DAYS AFTER
29 RECEIVING A REQUEST FOR JUDICIAL REVIEW, THE MEDICAL DIRECTOR OF THE
30 MENTAL HEALTH TREATMENT AGENCY SHALL NOTIFY THE GUARDIAN THAT A REQUEST
31 FOR JUDICIAL REVIEW HAS BEEN PRESENTED TO THE MENTAL HEALTH TREATMENT
32 AGENCY AND IS BEING FILED WITH THE COURT FOR FURTHER ACTION. ~~[IF A~~
33 ~~HEARING IS SET ON THE REQUEST FOR JUDICIAL REVIEW, THE COURT SHALL NOTIFY~~
34 ~~THE GUARDIAN OF THE TIME AND PLACE OF THE HEARING. THE GUARDIAN MAY~~
35 ~~SUBMIT ADDITIONAL MATERIALS FOR THE COURT TO CONSIDER AND MAY PARTICIPATE~~
36 ~~IN ANY HEARING SCHEDULED ON THE REQUEST FOR JUDICIAL REVIEW. COPIES OF~~
37 ~~ANY ADDITIONAL MATERIALS SUBMITTED TO THE COURT SHALL BE GIVEN TO THE~~
38 ~~OTHER PARTIES BY THE PARTY SUBMITTING THE ADDITIONAL MATERIALS. THE COURT~~
39 ~~MAY ORDER AN INDEPENDENT EXAMINATION OF THE PATIENT.]~~

40 F. DELIVERY OF THE NOTICE REQUIRED BY SUBSECTION E OF THIS SECTION
41 SHALL BE ACCOMPLISHED BY ANY REASONABLE MEANS DESIGNED TO IMPART IMMEDIATE
42 NOTICE OF THE ACTION TAKEN, SUCH AS ELECTRONIC TRANSMISSION WITH RECEIPT
43 CONFIRMED BY THE PERSON TO WHOM IT IS SENT OR HAND DELIVERY. THE MEDICAL
44 DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY SHALL CERTIFY THE DELIVERY
45 AND RECEIPT OF DELIVERY BY A STATEMENT IN THE DOCUMENTS DELIVERED TO THE
46 COURT FOR FILING PURSUANT TO SUBSECTION D OF THIS SECTION OR BY A SEPARATE
47 WRITTEN CERTIFICATE FILED WITH THE COURT. IF DELIVERY IS NOT ACCOMPLISHED,

1 THE MENTAL HEALTH TREATMENT AGENCY SHALL CERTIFY ALL EFFORTS TO ACCOMPLISH
2 DELIVERY AND STATE THE REASONS DELIVERY COULD NOT BE ACCOMPLISHED. A
3 PERSON WHO IS ENTITLED TO NOTICE MAY WAIVE DELIVERY.

4 G. THE PATIENT SHALL BE INFORMED, AT THE TIME THE PATIENT MAKES THE
5 REQUEST, OF THE PATIENT'S RIGHT TO CONSULT AN ATTORNEY BY THE PERSON OR
6 COURT TO WHOM THE PATIENT MAKES THE REQUEST FOR RELEASE AND, IN THE CASE
7 OF CONFINEMENT IN A MENTAL HEALTH TREATMENT AGENCY, BY THE REVIEWING COURT
8 WITHIN ONE DAY AFTER THE COURT'S RECEIPT OF NOTICE FROM THE MEDICAL
9 DIRECTOR OF THE MENTAL HEALTH TREATMENT AGENCY WHERE THE PATIENT IS BEING
10 TREATED. THE PATIENT SHALL BE ALLOWED TO CONSULT AN ATTORNEY TO ASSIST IN
11 PREPARATION OF A PETITION FOR THE WRIT OF HABEAS CORPUS AND TO REPRESENT
12 THE PATIENT IN THE HEARING. IF THE PATIENT IS NOT REPRESENTED BY AN
13 ATTORNEY, THE REVIEWING COURT, WITHIN TWO DAYS AFTER THE COURT'S NOTICE TO
14 THE PATIENT OF THE PATIENT'S RIGHT TO COUNSEL, SHALL APPOINT AN ATTORNEY
15 TO ASSIST THE PATIENT IN THE PREPARATION OF A PETITION AND TO REPRESENT
16 THE PATIENT IN THE HEARING.

17 H. THE MENTAL HEALTH TREATMENT AGENCY HAS THE BURDEN OF PROVING, BY
18 CLEAR AND CONVINCING EVIDENCE, THAT THE PATIENT ~~[IS ENTITLED TO RELEASE~~
19 ~~FROM]~~ [CONTINUES TO NEED] COURT-ORDERED TREATMENT. UNLESS THE COURT FINDS
20 THAT THE PATIENT'S TREATMENT IS ILLEGAL ON OTHER GROUNDS, THE PATIENT
21 SHALL NOT BE RELEASED FROM COURT-ORDERED TREATMENT UNLESS THE COURT FINDS
22 THAT COURT-ORDERED TREATMENT IS NO LONGER REQUIRED BECAUSE THE PATIENT IS
23 NO LONGER, AS THE RESULT OF A MENTAL DISORDER, A DANGER TO SELF OR A
24 DANGER TO OTHERS OR NO LONGER HAS A PERSISTENT OR ACUTE DISABILITY OR A
25 GRAVE DISABILITY AND IS NO LONGER IN NEED OF COURT-ORDERED TREATMENT OR IS
26 WILLING AND ABLE TO ACCEPT AND FOLLOW THROUGH WITH ANY TREATMENT NEEDED
27 VOLUNTARILY.

28 ~~D.~~ I. Judicial review shall be in the superior court in the county
29 in which the patient is being treated. ~~That~~ WITHIN FIVE JUDICIAL DAYS
30 AFTER THE REQUEST FOR JUDICIAL REVIEW IS FILED, THE court ~~may~~ SHALL review
31 the additional material presented and MAY enter its order without
32 necessity of ~~further~~ A hearing.

33 ~~E.~~ J. The reviewing court may order a ~~further~~ hearing ON ITS OWN
34 MOTION~~.]~~ ~~[OR]~~ on the ~~affidavit~~ MOTION of the attorney for the patient~~[-]~~
35 ~~[OR ON]~~ THE MOTION OF THE PERSON FILING THE REQUEST FOR JUDICIAL REVIEW ON
36 BEHALF OF THE PATIENT ~~[OR THE MOTION OF ANY GUARDIAN WHO RECEIVED NOTICE~~
37 ~~PURSUANT TO SUBSECTION E OF THIS SECTION]~~, setting forth the need for
38 ~~further~~ AN evidentiary hearing ~~and the reasons why the hearing is~~
39 ~~necessary before the time set for the release of the patient.~~ [THE COURT
40 MAY ORDER AN INDEPENDENT EVALUATION OF THE PATIENT PURSUANT TO SECTION
41 36-538.] IF THE COURT ORDERS A HEARING, THE HEARING SHALL BE HELD AS SOON
42 AS POSSIBLE BUT NOT LATER THAN FIFTEEN CALENDAR DAYS AFTER THE REQUEST FOR
43 JUDICIAL REVIEW WAS FILED WITH THE COURT. THE HEARING MAY BE CONTINUED
44 FOR GOOD CAUSE. UNLESS OTHERWISE ORDERED, IF THE PATIENT IS RECEIVING
45 TREATMENT AS AN INPATIENT, THE PATIENT SHALL REMAIN IN INPATIENT TREATMENT
46 UNTIL THE COURT HAS MADE ITS DETERMINATION. THE COURT SHALL NOTIFY THE
47 PARTIES OF THE TIME AND PLACE OF THE HEARING.

~~F. The patient shall be informed of the patient's right to consult an attorney by the person or court to whom the patient makes the request for release at the time the patient makes the request and, in the case of confinement in an agency, by the reviewing court within one day of its receipt of notice from the medical director of the agency where the patient is being treated. The patient shall be permitted to consult an attorney to assist in preparation of a petition for the writ of habeas corpus and to represent the patient in the hearing. If the patient is not represented by an attorney, the reviewing court, within two days of its notice to the patient of the patient's right to counsel, shall appoint an attorney to assist the patient in the preparation of a petition and to represent the patient in the hearing.~~

~~G.~~ K. The medical director of the mental health treatment agency, at least twenty-four hours before the hearing, shall provide the patient's attorney with a copy of the patient's medical records.

~~H.~~ L. The patient's attorney shall fulfill all of the following minimal duties:

1. Within twenty-four hours ~~of~~ AFTER appointment, conduct an interview with the patient.

2. At least twenty-four hours before the hearing, interview the patient's treatment physician or psychiatric and mental health nurse practitioner if available.

3. Before the hearing, examine the clinical record of the patient.

4. Before the hearing, examine the patient's court records as to the patient's involuntary treatment.

~~I.~~ M. An attorney who does not fulfill the duties prescribed by subsection ~~H.~~ L of this section is subject to contempt of court.

Sec. 3. Effective date

This act is effective from and after December 31, 2026.

Enroll and engross to conform

Amend title to conform

CONSUELO HERNANDEZ

2923FloorHERNANDEZ C3.docx

03/05/2026

07:30 AM

C: MH

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