

202B.250 Review hearing -- Procedures -- Disposition -- Requested hearing by resident or certain persons.

- (1) No less than once in every five (5) years following the initial order for involuntary admission of a resident to an ICF/ID, or an order authorizing continued care and treatment following review pursuant to this section, the court shall hold a hearing to review the status of the resident and necessity for continued care and treatment in the ICF/ID. Notice at least twenty (20) days in advance of the hearing shall be provided by the court to the ICF/ID, county attorney, guardian or limited guardian of the resident, if any, or, if none, an immediate family member as listed on the last interdisciplinary report filed by the ICF/ID. The court shall appoint an attorney to represent the resident at the review hearing.
- (2) The review hearing may be informal and held in open court, in chambers, or at the ICF/ID. The hearing shall be held without a jury and the resident shall be entitled to present documentary evidence and witnesses and cross-examine witnesses against the resident.
- (3) At the conclusion of the review hearing, the court shall make written findings of fact concerning whether the criteria for involuntary admission set forth in KRS 202B.040 continue to be satisfied based upon clear and convincing evidence. If the court finds that the involuntary admission criteria continue to be satisfied, the court shall enter an order authorizing the continued care and treatment of the resident at the ICF/ID and shall establish the period within which the next review shall be held. Otherwise, the court shall enter an order requiring the resident to be discharged from the ICF/ID.
- (4) If at any point during the resident's placement at an ICF/ID it appears that the resident no longer meets the criteria for involuntary admission set forth in KRS 202B.040, the resident, the resident's parent, guardian or limited guardian, immediate family member, or attorney may request a review pursuant to this section.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 146, sec. 57, effective July 12, 2012. -- Created 1990 Ky. Acts ch. 147, sec. 24, effective July 13, 1990.