

ORDER OF PLACEMENT INTO A MORE RESTRICTIVE ENVIRONMENT

Local Mental Health Authority

TO: _____
Patient

Case No. _____

Having been previously committed to _____,
Local Mental Health Authority

on _____, by order of the _____ District
Date of Commitment

Court and having been placed in a less restrictive environment is aggravating your mental illness or that you have failed to comply with the specified treatment plan to which you have agreed in writing as follows: _____

Pursuant to Utah Code Annotated **26B-5-337(2)** , you are hereby ordered to _____ immediately. You or your
Local Mental Health Authority
legal representative, to which you are entitled, may request a hearing of the change.

Dated this _____ day of _____, 20_____. _____
Director or Designee

ENDORSEMENT FOR CUSTODY AND TRANSPORTATION

I, the undersigned, hereby request a mental health officer or peace officer to immediately take _____ into custody and transport said
Proposed Patient
proposed patient to the local mental health authority or to a temporary emergency facility to be detained in accordance with the above order.

Dated this _____ day of _____, 20_____

Director or Designee

Instructions: A local mental health authority or its designee is authorized to issue an order for the immediate placement of a patient not previously released from an order of commitment into a more restrictive environment, if the local mental health authority or its designee has reason to believe that the less restrictive environment in which the patient has been placed is aggravating the patient's mental illness or that the patient has failed to comply with the specified treatment plan to which he had agreed in writing. That order shall include the reasons therefor and shall authorize any peace officer to take the patient into physical custody and transport him to a facility designated by the division. Prior to or upon admission to the more restrictive environment, or upon imposition of additional or different requirements as conditions for continued release from inpatient care, copies of the order shall be personally delivered to the patient and sent to the person in whose care the patient is placed. The order shall also be sent of the patient's counsel of record and to the court that entered the original order of commitment. The order shall inform the patient of the right to a hearing, the right to appointed counsel, and the other procedures prescribed in Subsection 62A-15-631(9) (included below). If the patient has been in the less restrictive environment for more than 30 days and is aggrieved by the change to a more restrictive environment, the patient his representative may request a hearing within 30 days of the change. UCA 26B-5-337(2)

UCA 26B-5-332

(9) (a) Before the hearing, an opportunity to be represented by counsel shall be afforded to every proposed patient, and if neither the patient nor others provide counsel, the court shall appoint counsel and allow counsel sufficient time to consult with the patient before the hearing. In the case of an indigent patient, the payment of reasonable attorney fees for counsel, as determined by the court, shall be made by the county in which the patient resides or was found.

(b) The proposed patient, the applicant, and all other persons to whom notice is required to be given shall be afforded an opportunity to appear at the hearing, to testify, and to present and cross-examine witnesses. The court may, in its discretion, receive the testimony of any other person. The court may allow a waiver of the patient's right to appear only for good cause shown, and that cause shall be made a matter of court record.

(c) The court is authorized to exclude all persons not necessary for the conduct of the proceedings and may, upon motion of counsel, require the testimony of each examiner to be given out of the presence of any other examiners.

(d) The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure, and in a physical setting that is not likely to have a harmful effect on the mental health of the proposed patient.

(e) The court shall consider all relevant historical and material information that is offered, subject to the rules of evidence, including reliable hearsay under Rule 1102, Utah Rules of Evidence.

(f) (i) A local mental health authority or its designee, or the physician in charge of the patient's care shall, at the time of the hearing, provide the court with the following information:

(A) the detention order; (B) admission notes;

(C) the diagnosis;

(D) any doctors' orders; (E) progress notes;

(F) nursing notes; and

(G) medication records pertaining to the current commitment.

(ii) That information shall also be supplied to the patient's counsel at the time of the hearing, and at any time prior to the hearing upon request.