

1 AN ACT in relation to health.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Mental Health and Developmental  
5 Disabilities Code is amended by changing Section 3-801 and  
6 adding Section 3-801.5 as follows:

7 (405 ILCS 5/3-801) (from Ch. 91 1/2, par. 3-801)

8 Sec. 3-801. A respondent may request admission as an  
9 informal or voluntary recipient at any time prior to an  
10 adjudication that he is subject to involuntary admission. The  
11 facility director shall approve such a request unless the  
12 facility director determines that the respondent lacks the  
13 capacity to consent to informal or voluntary admission or  
14 that informal or voluntary admission is clinically  
15 inappropriate. The director shall not find that voluntary  
16 admission is clinically inappropriate in the absence of a  
17 documented history of the respondent's illness and treatment  
18 demonstrating that the respondent is unlikely to continue to  
19 receive needed treatment following release from informal or  
20 voluntary admission and that an order for alternative  
21 treatment or for care and custody is necessary in order to  
22 ensure continuity of treatment outside a mental health  
23 facility.

24 If the facility director approves such a request, the  
25 court may dismiss the pending proceedings but may require  
26 proof that such dismissal is in the best interest of the  
27 respondent and of the public.

28 (Source: P.A. 88-380.)

29 (405 ILCS 5/3-801.5 new)

30 Sec. 3-801.5. Agreed order for alternative treatment or

1 care and custody.

2 (a) At any time before the conclusion of the hearing and  
3 the entry of the court's findings, a respondent may enter  
4 into an agreement to be subject to an order for alternative  
5 treatment or care and custody as provided for in Sections  
6 3-811, 3-812, 3-813, and 3-815 of this Code, provided that:

7 (1) The court and the parties have been presented  
8 with a written report pursuant to Section 3-810 of this  
9 Code containing a recommendation for alternative  
10 treatment or care and custody and setting forth in detail  
11 the conditions for such an order, and the court is  
12 satisfied that the proposal for alternative treatment or  
13 care and custody is in the best interest of the  
14 respondent and of the public.

15 (2) The court advises the respondent of the  
16 conditions of the proposed order in open court and is  
17 satisfied that the respondent understands and agrees to  
18 the conditions of the proposed order for alternative  
19 treatment or care and custody.

20 (3) The proposed custodian is advised of the  
21 recommendation for care and custody and agrees to abide  
22 by the terms of the proposed order.

23 (4) No such order may require the respondent to be  
24 hospitalized except as provided in subsection (b) of this  
25 Section.

26 (5) No order may include as one of its conditions  
27 the administration of psychotropic medication, unless the  
28 court determines, based on the documented history of the  
29 respondent's treatment and illness, that the respondent  
30 is unlikely to continue to receive needed psychotropic  
31 medication in the absence of such an order.

32 (b) An agreed order of care and custody entered pursuant  
33 to this Section may grant the custodian the authority to  
34 admit a respondent to a hospital if the respondent fails to

1 comply with the conditions of the agreed order. If necessary  
2 in order to obtain the hospitalization of the respondent, the  
3 custodian may apply to the court for an order authorizing an  
4 officer of the peace to take the respondent into custody and  
5 transport the respondent to the hospital specified in the  
6 agreed order. The provisions of Section 3-605 of this Code  
7 shall govern the transportation of the respondent to a mental  
8 health facility, except to the extent that those provisions  
9 are inconsistent with this Section. However, a person  
10 admitted to a hospital pursuant to powers granted under an  
11 agreed order for care and custody shall be treated as a  
12 voluntary recipient pursuant to Article IV of this Chapter  
13 and shall be advised immediately of his or her right to  
14 request a discharge pursuant to Section 3-403 of this Code.

15 (c) If the court has appointed counsel for the respondent  
16 pursuant to Section 3-805 of this Code, that appointment  
17 shall continue for the duration of any order entered under  
18 this Section, and the respondent shall be represented by  
19 counsel in any proceeding held pursuant to this Section.

20 (d) An order entered under this Section shall not  
21 constitute a finding that the respondent is subject to  
22 involuntary admission.

23 (e) Nothing in this Section shall be deemed to create an  
24 agency relationship between the respondent and any custodian  
25 appointed pursuant to this Section.

26 (f) Notwithstanding any other provision of Illinois law,  
27 no respondent may be cited for contempt for violating the  
28 terms and conditions of his or her agreed order of care and  
29 custody.