



1 standards:

2 (1) Any person 18 years of age or older, including  
3 any guardian, may petition the circuit court for an order  
4 authorizing the administration of authorized involuntary  
5 treatment to a recipient of services. The petition shall  
6 state that the petitioner has made a good faith attempt  
7 to determine whether the recipient has executed a power  
8 of attorney for health care under the Powers of Attorney  
9 for Health Care Law or a declaration for mental health  
10 treatment under the Mental Health Treatment Preference  
11 Declaration Act and to obtain copies of these instruments  
12 if they exist. If either of the above-named instruments  
13 is available to the petitioner, the instrument or a copy  
14 of the instrument shall be attached to the petition as an  
15 exhibit. The petitioner shall deliver a copy of the  
16 petition, and notice of the time and place of the  
17 hearing, to the respondent, his or her attorney, any  
18 known agent or attorney-in-fact, if any, and the  
19 guardian, if any, no later than 3 days prior to the date  
20 of the hearing. Service of the petition and notice of the  
21 time and place of the hearing may be made by transmitting  
22 them via facsimile machine to the respondent or other  
23 party. Upon receipt of the petition and notice, the  
24 party served, or the person delivering the petition and  
25 notice to the party served, shall acknowledge service.  
26 If the party sending the petition and notice does not  
27 receive acknowledgement of service within 24 hours,  
28 service must be made by personal service.

29 ~~If the hearing is requested to be held immediately~~  
30 ~~following the hearing on a petition for involuntary~~  
31 ~~admission, then the notice requirement shall be the same~~  
32 ~~as that for the hearing on the petition for involuntary~~  
33 ~~admission, and the petition filed pursuant to this~~  
34 ~~Section shall be filed with the petition for involuntary~~

1 admission. The petition may include a request that the  
2 court authorize such testing and procedures as may be  
3 essential for the safe and effective administration of  
4 the authorized involuntary treatment sought to be  
5 administered, but only where the petition sets forth the  
6 specific testing and procedures sought to be  
7 administered.

8 If a hearing is requested to be held immediately  
9 following the hearing on a petition for involuntary  
10 admission, then the notice requirement shall be the same  
11 as that for the hearing on the petition for involuntary  
12 admission, and the petition filed pursuant to this  
13 Section shall be filed with the petition for involuntary  
14 admission.

15 (2) The court shall hold a hearing within 7 days of  
16 the filing of the petition. The People, the petitioner,  
17 or the respondent shall be entitled to a continuance of  
18 up to 7 days as of right. An additional continuance of  
19 not more than 7 days may be granted to any party (i) upon  
20 a showing that the continuance is needed in order to  
21 adequately prepare for or present evidence in a hearing  
22 under this Section or (ii) under exceptional  
23 circumstances. The court may grant an additional  
24 continuance not to exceed 21 days when, in its  
25 discretion, the court determines that such a continuance  
26 is necessary in order to provide the recipient with an  
27 examination pursuant to Section 3-803 or 3-804 of this  
28 Act, to provide the recipient with a trial by jury as  
29 provided in Section 3-802 of this Act, or to arrange for  
30 the substitution of counsel as provided for by the  
31 Illinois Supreme Court Rules. The hearing shall be  
32 separate from a judicial proceeding held to determine  
33 whether a person is subject to involuntary admission but  
34 may be heard immediately preceding or following such a

1 judicial proceeding and may be heard by the same trier of  
2 fact or law as in that judicial proceeding.

3 (3) Unless otherwise provided herein, the  
4 procedures set forth in Article VIII of Chapter 3 of this  
5 Act, including the provisions regarding appointment of  
6 counsel, shall govern hearings held under this subsection  
7 (a-5).

8 (4) Authorized involuntary treatment shall not be  
9 administered to the recipient unless it has been  
10 determined by clear and convincing evidence that all of  
11 the following factors are present:

12 (A) That the recipient has a serious mental  
13 illness or developmental disability.

14 (B) That because of said mental illness or  
15 developmental disability, the recipient exhibits any  
16 one of the following: (i) deterioration of his or  
17 her ability to function, (ii) suffering, or (iii)  
18 threatening behavior.

19 (C) That the illness or disability has existed  
20 for a period marked by the continuing presence of  
21 the symptoms set forth in item (B) of this  
22 subdivision (4) or the repeated episodic occurrence  
23 of these symptoms.

24 (D) That the benefits of the treatment  
25 outweigh the harm.

26 (E) That the recipient lacks the capacity to  
27 make a reasoned decision about the treatment.

28 (F) That other less restrictive services have  
29 been explored and found inappropriate.

30 (G) If the petition seeks authorization for  
31 testing and other procedures, that such testing and  
32 procedures are essential for the safe and effective  
33 administration of the treatment.

34 (5) In no event shall an order issued under this

1 Section be effective for more than 90 days. A second  
2 90-day period of involuntary treatment may be authorized  
3 pursuant to a hearing that complies with the standards  
4 and procedures of this subsection (a-5). Thereafter,  
5 additional 180-day periods of involuntary treatment may  
6 be authorized pursuant to the standards and procedures of  
7 this Section without limit. If a new petition to  
8 authorize the administration of authorized involuntary  
9 treatment is filed at least 15 days prior to the  
10 expiration of the prior order, and if any continuance of  
11 the hearing is agreed to by the recipient, the  
12 administration of the treatment may continue in  
13 accordance with the prior order pending the completion of  
14 a hearing under this Section.

15 (6) An order issued under this subsection (a-5)  
16 shall designate the persons authorized to administer the  
17 authorized involuntary treatment under the standards and  
18 procedures of this subsection (a-5). Those persons shall  
19 have complete discretion not to administer any treatment  
20 authorized under this Section. The order shall also  
21 specify the medications and the anticipated range of  
22 dosages that have been authorized.

23 (b) A guardian may be authorized to consent to the  
24 administration of authorized involuntary treatment to an  
25 objecting recipient only under the standards and procedures  
26 of subsection (a-5).

27 (c) Notwithstanding any other provision of this Section,  
28 a guardian may consent to the administration of authorized  
29 involuntary treatment to a non-objecting recipient under  
30 Article XIa of the Probate Act of 1975.

31 (d) Nothing in this Section shall prevent the  
32 administration of authorized involuntary treatment to  
33 recipients in an emergency under Section 2-107 of this Act.

34 (e) Notwithstanding any of the provisions of this

1 Section, authorized involuntary treatment may be administered  
2 pursuant to a power of attorney for health care under the  
3 Powers of Attorney for Health Care Law or a declaration for  
4 mental health treatment under the Mental Health Treatment  
5 Preference Declaration Act.

6 (f) Whenever treatment is ordered under this Section for  
7 a recipient who is confined in a county or municipal jail or  
8 other pretrial detention facility awaiting trial on criminal  
9 charges, the clerk of the court must send a copy of the order  
10 for treatment to the counsel who represents the recipient in  
11 the criminal proceeding.

12 (Source: P.A. 90-538, eff. 12-1-97; 91-726, eff. 6-2-00;  
13 91-787, eff. 1-1-01; revised 6-28-00.); and

14 on page 1, line 5, by inserting "and adding Section 3-15-4"  
15 after "Section 3-15-3"; and

16 on page 1, lines 15, 24, 27, 29, and 31, by inserting "and  
17 procedures" after "standards" wherever it appears; and

18 on page 1, line 20, by changing "insure" to "ensure"; and

19 on page 1 lines 26, 30, and 31, by inserting "juvenile  
20 detention" before "facility" wherever it appears; and

21 on page 2, line 3, by changing "Jail or facility" to "the  
22 jail or juvenile detention facility"; and

23 on page 2, line 4, by inserting "and procedures" after  
24 "standards"; and

25 on page 2, by inserting after line 6 the following:

26 "(730 ILCS 5/3-15-4 new)  
27 Sec. 3-15-4. Task force on mental health services in  
28 municipal jails and lockups.

29 (a) The Department of Corrections shall convene a  
30 special task force to develop and propose model standards for

1 the delivery of mental health services and the prevention of  
2 suicides in municipal jails and lockups. The task force  
3 shall be composed of no more than 22 members appointed by the  
4 Director of Corrections as follows:

5 (1) Not more than 8 members representing  
6 municipalities.

7 (2) Not more than 8 members representing community  
8 mental health service providers and State operated and  
9 private psychiatric hospitals, including no more than 3  
10 representatives of the Office of Mental Health,  
11 Department of Human Services.

12 (3) Three members of the general public, at least  
13 one of whom must be a primary consumer of mental health  
14 services.

15 (4) Not more than 3 representatives of the  
16 following groups: the National Commission on Correctional  
17 Health Care, the American Correctional Association, the  
18 Joint Commission on the Accreditation of Health Care  
19 Organizations, the American Association of Correctional  
20 Psychology, the John Howard Association.

21 The Director of Corrections shall in appointing the task  
22 force attempt to ensure that the membership on the task force  
23 represents the geographic diversity of the State.

24 (b) The members of the task force shall serve without  
25 compensation and may not receive reimbursement for any  
26 expenses incurred in performing their duties as members of  
27 the task force.

28 (c) The task force may, without limitation, (i)  
29 determine what services and screening should be provided in  
30 municipal pre-trial detention facilities and what training  
31 and resources are necessary to provide those services and  
32 (ii) recommend changes in the Department's standards for  
33 municipal jails and lockups.

34 (d) Before the Department acts upon any recommendation

1 of the task force, the Department must hold a public hearing  
2 to provide individuals with mental illnesses and their family  
3 members, mental health advocacy organizations, and the public  
4 to review, comment upon, and suggest any changes to the  
5 proposed standards for municipal jails and lockups.

6 (e) The task force must submit its recommendations as to  
7 any changes in the standards for municipal jails and lockups  
8 to the General Assembly by January 15, 2002.

9 Section 99. Effective date. This Section and Section  
10 3-15-4 of the Unified Code of Corrections take effect upon  
11 becoming law."