

AN ACT in relation to health.

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

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

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

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

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

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

(405 ILCS 5/3-801.5 new)

Sec. 3-801.5. Agreed order for alternative treatment or care and custody.

(a) At any time before the conclusion of the hearing and

the entry of the court's findings, a respondent may enter into an agreement to be subject to an order for alternative treatment or care and custody as provided for in Sections 3-811, 3-812, 3-813, and 3-815 of this Code, provided that:

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

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

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

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

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

(b) An agreed order of care and custody entered pursuant to this Section may grant the custodian the authority to admit a respondent to a hospital if the respondent fails to comply with the conditions of the agreed order. If necessary in order to obtain the hospitalization of the respondent, the custodian may apply to the court for an order authorizing an officer of the peace to take the respondent into custody and transport the respondent to the hospital specified in the agreed order. The

provisions of Section 3-605 of this Code shall govern the transportation of the respondent to a mental health facility, except to the extent that those provisions are inconsistent with this Section. However, a person admitted to a hospital pursuant to powers granted under an agreed order for care and custody shall be treated as a voluntary recipient pursuant to Article IV of this Chapter and shall be advised immediately of his or her right to request a discharge pursuant to Section 3-403 of this Code.

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

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

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

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