







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. §62A-15-631(9)(a)

THE HEARING

D, 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 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. §62A-15-631(9)(b)

The court shall consider all relevant historical and material information which is offered, subject to the rules of evidence, including reliable hearsay under Rule 1102, Utah Rules of Evidence. §62A-15-631(9)(e)

The court shall order commitment of an individual 18+ years old if the court finds by clear and convincing evidence that

- D has a mental illness
- Because D's mental illness D poses a substantial danger, as defined in §62A-15-602, of physical injury to self or others, which may include the inability to provide the basic necessities of life such as food, clothing, and shelter, if allowed to remain at liberty
- The patient lacks the ability to engage in a rational decision-making process regarding the acceptance of mental treatment as demonstrated by evidence of inability to weigh the possible risks of accepting or rejecting treatment
- There is no appropriate less-restrictive alternative to a court order of commitment
- The local mental health authority can provide the individual with treatment that is adequate and appropriate to the individual's conditions and needs. In the absence of the required findings of the court after the hearing, the court shall forthwith dismiss the proceedings §62A-15-631(10)

Petitions can be filed with the court within 30 days of the entry of the court order. The petition must allege error or mistake in the findings, in which case the court shall appoint three impartial designated examiners previously unrelated to the case to conduct an additional examination of the patient. §62A-15-631(13)

The order of commitment shall designate the period for which the individual shall be treated. When the individual is not under an order of commitment at the time of the hearing, that period may not exceed six months without benefit of a review hearing. Upon such a review hearing, to be commenced prior to the expiration of the previous order, an order for commitment may be for an indeterminate period, if the court finds by clear and convincing evidence that the required conditions will last for an indeterminate period. §62A-15-631(11)(a)

If conditions justifying commitment no longer exist, D shall be released immediately. §62A-15-631(11)(c)