

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, COUNTY DIVISION**

ADMINISTRATIVE ORDER 2010 - 5

SUBJECT: Case Procedures for Calendar 2

Effective March 22, 2010, for all cases initiated in the County Division that are assignable to Calendar 2 the following procedures will be in effect. As of its effective date, this Order supersedes all prior Administrative Orders relating to Calendar 2.

I. Establishment of Administrative Call for Calendar 2

On the effective date of this Administrative Order, an Administrative Call for Calendar 2 is created. Such call will convene daily at 11:00 a.m. and 2:30 p.m. in Courtroom 1703 of the Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois. The call will be presided over from time to time by judges designated by the Presiding Judge of the County Division. This call will entertain such matters as designated by this Administrative Order and such other relevant matters as designated by the Presiding Judge.

II. Creation of a Case Management/Scheduling Conference Call

Upon receipt of a Petition filed on or after March 22, 2010 seeking the involuntary admission and immediate hospitalization of an individual in a mental health facility accompanied by a certificate of examination as provided by 405 ILCS 5/3-602 or a Petition to Involuntarily Administer Psychotropic Medication or Electroconvulsive therapy and proof that the Petition and Notice of Rights were served upon the Respondent, the Clerk of Court shall schedule a Case Management/Scheduling Conference at 11:00 a.m. Administrative Call for Calendar 2 in Courtroom 1703 of the Richard J. Daley Center, 50 W. Washington Chicago, Illinois in accordance with the following schedule:

Monday	Tuesday	Wednesday	Thursday	Friday
Hartgrove	Il. Masonic	Madden	N. W. Com.	Chgo. Lk. Shr.
Bowman Ctr.	Northwestern	Mt. Sinai	Alexian Br.	Chgo. Read
Rush	Sw. Covenant	Hines	Skokie Valley	St. Mary.
UIC	Weiss	Riveredge	Streamwood	Thorek
Mercy	Methodist	McNeal	Elgin	E. North Shore
Loretto	Lincoln Park	Westlake Com.	Lutheran Gen.	Kindred
Palos Comm.	St. Joseph	Norw. American		St. Elizabeth
Tinley Park		St. Anthony		
Jackson Park				
Christ Hosp.				
L. Co. of Mary				
Ingalls				

If the date for Case Management/Scheduling Conference set by this Administrative Order falls on a legal holiday, the matter shall be scheduled for the prior business day for Case Management/Scheduling Conference on the 11:00 a.m. Administrative Call for Calendar 2 .

NOTWITHSTANDING any of the foregoing, if the Petition is received by the Clerk of Court on the hearing date for the institution set by Section III of this Administrative Order, the Clerk of Court shall schedule the matter for a Case Management/Scheduling Conference on the Court business day that falls three business days after the date of filing on the 11:00 a.m. Administrative Call in Courtroom 1703 at the Richard J. Daley Center.

In order to assist the Court in the orderly administration of its business, the petitioner and/or respondent shall advise the Court on the date of any scheduled Case Management/ Scheduling Conference of any request for continuance, for an independent examination (405 ILCS 5/3-804) or a trial by jury. Notice of a parties' intent to request a continuance together with a copy of the Motion and any supporting affidavits shall be delivered to the Chambers of the Presiding Judge of the County Division, 1701 Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois 60602, no later than 10:00 a.m.

on the date set for Case Management/Scheduling or any continuance thereof. A copy of such request shall also be served upon counsel for any adverse party. Delivery to the Court may be made electronically by transmission to: cjcal3@cookcountygov.com.

All requests for a continuance of the hearing in order to adequately prepare for or present evidence at the hearing or for some other exceptional circumstance; e.g., to definitively determine whether the respondent's presenting objective symptomatology was directly related to a recognized mental disease, a manifestation of dementia, or the result of drug induced psychosis, should be in writing articulating a factual basis and presented at the Case Management/Scheduling Conference.

Service by electronic means is authorized and encouraged because the statute requires the conduct of such hearings within 5 business days of filing and the Court's finding that the expense of either transporting a Respondent to a court facility or conducting a hearing at a mental health facility normally exceeds \$1,200.00 in non-reimbursable costs to either the mental health facility in which the patient is hospitalized or the Court. The failure to request an independent examination or trial by jury at the Case Management/Scheduling Conference or any continuance thereof will normally, absent a showing of good cause, result in a finding that such rights have been waived.

All requests for a continuance shall be considered in the context of the nature of these proceedings. All parties should be aware that because the Respondent has been detained pursuant to statutory authority, procedural due process of law entitles the individual a prompt post detention hearing to justify the deprivation of liberty. *Gerstein v. Pugh*, 420 U.S. 103 (1975). The Court acknowledges that there has never been a definitive ruling by the United States Supreme Court establishing the parameters of procedural due process in these types of cases. The Legislature has, by its use of mandatory language in the statute, expressed its desire for a prompt determination of the matter. In making the determination as to whether a continuance should be granted, the Court is required to balance the stated basis for the requested delay against the recognized liberty interests of a respondent and the potential of an erroneous deprivation of that interest. In most instances, a request for a continuance resisted by the respondent will not be granted.

Notwithstanding the foregoing, at the initial Case Management/Scheduling Conference, providing notice has been given or excused, the Court will ordinarily grant a respondent's request for a continuance of the initial hearing date to arrange for an independent examination; arrange for voluntary treatment alternatives; secure the presence of a particular witness who possesses relevant knowledge that will aid in the resolution of the matter; to recover from a physical illness; or to recover from the mental illness to obviate the need for involuntary admission.¹

If a jury trial is demanded, the matter will normally be continued until the next business day at 10:30 a.m. in Courtroom 1703 of the Richard J. Daley Center. The matter will be randomly assigned among the then available County Division judges for immediate trial. After assignment for trial by jury, continuances will only be granted in exceptional circumstances. If a jury is empanelled, only the allegations in the Petition relating to the issue of whether the respondent is subject to involuntary admission shall be submitted for determination. The Court sitting alone without a jury shall decide the appropriate disposition of the matter. (405 ILCS 5/3-810).

III. Scheduling of Petitions for Involuntary Admission to and Immediate Hospitalization in a Mental Health Facility. (Emergency Admission by Certification) (405 ILCS 5/3-611).

In order to comply with 405 ILCS 5/3-611, upon receipt of a Petition filed seeking the involuntary admission of and immediate hospitalization of an individual in a mental health facility accompanied by a certificate as provided by 405 ILCS 5/3-602 and proof that the Petition and Notice of Rights were served upon the respondent, the Clerk of Court shall also schedule a hearing on said Petition in accordance with the following schedule:

Monday	Tuesday	Wednesday	Thursday	Friday
Chgo. Lk. Shr.	Hartgrove	Il. Masonic	Madden	N. W. Com.
Chgo. Read	Bowman Ctr.	Northwestern	Mt. Sinai	Alexian Br.
St. Mary.	Rush	Swedish Covenant	Hines	Skokie Valley

¹ Commentary to Guideline F2, p. 60, *Guidelines for Involuntary Civil Commitment*; A Project of the Institute on Mental Disability and the Law, 1986, National Center for State Courts available at <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/ctadmin&CISOPTR=12>; see also: Guideline 4.F., *Guidelines for Legislation on the Psychiatric Hospitalization of Adults*, 1983 The American Psychiatric Society. available at http://archive.psych.org/edu/other_res/lib_archives/archives/198201.pdf

Thorek	UIC	Weiss	Riveredge	Streamwood
E. North Shore	Mercy	Methodist	McNeal	Elgin
Kindred	Loretto	Lincoln Park	Westlake Com.	Lutheran Gen.
St. Elizabeth	Palos Comm.	St. Joseph	Norw. American	
	Tinley Park		St. Anthony	
	Jackson Park			
	Christ Hosp.			
	L. Co. of Mary			
	Ingalls			

All hearings, except as provided below, shall be scheduled for the mental health facility where the respondent is detained at a time to be determined at the Case Management/Scheduling Conference.

If the date for hearing set by this Administrative Order falls on a legal holiday, the matter shall be scheduled for the next business day for hearing at the mental health facility where the respondent is detained.

Notice of the date of the scheduled hearing and case management conference shall be served on the Respondent, responsible relatives identified to the Clerk of Court, any attorney identified by the Respondent, the Legal Advocacy Service of The Illinois Guardianship and Advocacy Commission (LAS), and the State's Attorney's Office (SAO). The LAS and SAO shall provide the Clerk of Court with one address for service of all such Notices.

After assignment for trial, continuances will only be granted in exceptional circumstances.

IV. Scheduling of Petitions for the Involuntary Administration of Psychotropic Medication and Electroconvulsive Therapy (ECT) (405 ILCS 5/2-107.1).

In order to comply with the requirements of 405 ILCS 5/2-107.1, upon receipt of a Petition for the Involuntary Administration of Psychotropic Medication and/or Electroconvulsive Therapy (ECT), the Clerk of Court shall schedule the matter for Case

Management/Scheduling Conference and hearing in accordance with the provisions of Sections II and III, *supra*.

The Court recognizes that in certain circumstances successful treatment outcomes will require the use of psychotropic medication or electroconvulsive therapy. In order to promote the orderly and clinically appropriate delivery of care, the Court encourages the prompt initiation of these proceedings when suggested by the appropriate standard of care. The Court will exercise its discretion to schedule these proceedings on the same day as proceedings seeking the involuntary admission of a respondent to a mental health facility.

In order to assist the Court in the orderly administration of its business, the Petitioner and/or Respondent shall advise the Court of any request for continuance regardless if it is as a matter of right (405 ILCS 5/207.1 (a-5) (2)) or for an independent examination (405 ILCS 5/3-804) at the Case Management/Scheduling Conference. The failure to make a timely request may result in a finding that the right to a continuance or examination as a matter of right has been waived, absent a showing of good cause to excuse this requirement or a showing that the denial of a continuance will result in denying the defaulting party their right to a fair hearing. All requests for a continuance of the hearing in order to adequately prepare for or present evidence at the hearing or for some other exceptional circumstance must be in writing articulating a factual basis for such continuance.

Notice of a parties' intent to request a continuance together with a copy of the Motion and any supporting affidavits shall be delivered to the Chambers of the Presiding Judge of the County Division, 1701 Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois 60602, no later than 10:00 a.m. on the date set for Case Management/Scheduling or any continuance thereof. A copy of such request shall also be served upon counsel for any adversary party. Delivery to the Court may be made electronically by transmission to: cjcal3@cookcountygov.com.

IV. Petitions for Examination or Admission by Court Order (405 ILCS 5/3-701 et seq.).

The Court will entertain such Petitions daily in Courtroom 1703 of the Richard J. Daley Center at 11:00 a.m. and 2:30 p.m.

Unless the Petition is accompanied by two certificates, as required by the Mental Health and Developmental Disabilities Code (the "Code"), upon filing, the Clerk of Court shall schedule a hearing on the matter on Calendar 2 Administrative Call within five business days of the date when the Petition was filed. Hearings at the Daley Center will be at 11:00 a.m. and 2:30 p.m. The Petitioner shall be directed to serve personal notice of such Petition on the Respondent in the manner prescribed by the Code of Civil Procedure. (735 ILCS 5/2-101 et seq.).

If the Clerk of Court is advised by the party filing the Petition that an emergency exists, the matter should be brought to the attention of the County Division Judge presiding over Calendar 2 Administrative Call. The judge shall determine from the pleadings whether an emergency excusing notice exists. If so, the Court should proceed to entertain the matter *ex parte*. (405 ILCS 5/3-701 (b)). If no emergency is found to exist, the matter shall be scheduled for hearing and the petitioner shall be required to serve the respondent with notice.

In order to expedite the process, wherever possible the petitioner should identify an examiner who stands ready and able to perform the examination on an expedited basis.

Unless the evidence at the hearing establishes a need for immediate hospitalization to prevent physical harm to the respondent or another, the examination shall be conducted on an out-patient basis. If the respondent fails to appear for the hearing, upon a showing of proper notice, the Court will proceed to hear testimony in support of the Petition.

If after conducting a hearing the Court declines to order an examination, an order entering judgment for the respondent shall be entered and docketed.

If the Court has ordered an examination on an out-patient basis, upon a showing of the respondent's knowing failure to comply with the Order, the Court will entertain a request to issue a body attachment ordering the respondent's detention in a mental health facility until compliance with the order can be had.

If the filing includes the required two certificates, the matter shall be scheduled for hearing in Room 1703 at the Court's convenience. Notice of the hearing shall also be served upon the respondent, responsible relatives identified to the Clerk of Court, any

attorney identified by the respondent, the LAS, and the SAO. The LAS and SAO shall provide the Clerk of Court with one address for service of all such Notices.

If an out patient examination is ordered, the Court shall continue the matter for 14 days on the Calendar 2 Administrative Call. If the examination(s) are conducted, certificates are filed with the Court, and the respondent remains at liberty, the Clerk of Court shall schedule the matter for hearing on the Petition for Involuntary Admission in Courtroom 1703 at the Court's convenience; but in no circumstances more than five days after the receipt of the second certificate. (405 ILCS 5/2-706). In the event the respondent has been detained by an examiner and is no longer at liberty, the Clerk of Court shall schedule the matter for Case Management/Scheduling Conference and a hearing in accordance with the scheduling grid in Sections II and III, supra.

Notice of the hearing shall be served on the Respondent, responsible relatives identified to the Clerk of Court, any attorney identified by the Respondent, LAS, and the SAO. The Clerk shall strike the initially scheduled hearing date from the docket upon receipt of the second certificate.

If the Court orders that a respondent be detained for an inpatient examination, the matter shall be continued for Case Management/Scheduling Conference on the Petition for Involuntary Admission no later than five days after the date of the order for detention and examination. (405 ILCS 5/2-706). Whenever practical, the date shall be selected in accordance with the scheduling grid set out in Section II, above.

If the case appears on the docket on the date scheduled by the judge issuing the order for examination and the required two certificates have not been filed, absent any compelling circumstances, the matter shall be dismissed for want of prosecution.

V. Transition Period

In an effort to ease the transition from the current process, all cases continued for trial to a date on or after March 23, 2010 shall be continued for a Case Management/Scheduling Conference on the 11:00 a.m. Administrative Call for Calendar 2 in Room 1703 of the Richard J. Daley Center in accordance with the Schedule set out in Section II, supra. By way of example, a case initiated by Jackson Park Hospital that is to be continued for trial on March 23, 2010 will be set for a case management/scheduling conference on March 22, 2010 in order to determine if a trial is necessary. The Read

Court facility will discontinue its daily court call at the close of business on March 22, 2010. Consequently, all cases filed on or before March 12, 2010 that would have been set for trial under the former process on March 22, 2010 should be set for trial at the Read facility on that date. All other cases shall be set for a Case Management/Scheduling Conference on the date designated for the hospital where the respondent is detained in accordance with the schedule set out in Section II, above. For example, a case filed by Alexian Brothers Hospital that should be scheduled for trial on Friday March 26, 2010, should be scheduled for a Case Management/Scheduling Conference on March 25, 2010 at 11:00 A.M.

The Clerk of Court to schedule newly filed cases during the transition as follows:

Filed between 3/15-3/19 by:	Filed between 3/15-3/19 by:	Filed between 3/15-3/19 by:	Filed between 3/16-3/19 by:	Filed between 3/16-3/19 by:
Hartgrove	Il. Masonic	Madden	N. W. Com.	Chgo. Lk. Shr.
Bowman Ctr.	Northwestern	Mt. Sinai	Alexian Br.	Chgo. Read
Rush	Sw. Covenant	Hines	Skokie Valley	St. Mary.
UIC	Weiss	Riveredge	Streamwood	Thorek
Mercy	Methodist	McNeal	Elgin	E. North Shore
Loretto	Lincoln Park	Westlake Com.	Lutheran Gen.	Kindred
Palos Comm.	St. Joseph	Norw. American		St. Elizabeth
Tinley Park		St. Anthony		
Jackson Park				
Christ Hosp.				
L. Co. of Mary				
Ingalls				
Set for CM/S Conf. 3/22	Set for CM/S Conf. 3/23	Set for CM/S Conf. 3/24	Set for CM/S Conf. 3/25	Set for CM/S Conf. 3/26

VI. Informal or Voluntary Admissions.

In order to enable the Court to properly exercise its responsibility under Section 3-801 of the Code, no dismissal of a Petition for Involuntary Admission will be entered based upon the respondent's voluntary admission unless there is a sufficient factual showing that the individual has the capacity to understand that he or she is being admitted

to a mental health facility, the nature of the treatment proposed, the alternatives to that treatment, and that he or she is clinically suitable for admission to a mental health facility.

The Court reserves the right to inquire of the respondent's counsel to determine if counsel conferred with the respondent about the decision to seek admission to the mental health facility on a voluntary basis. If so, whether after that discussion, counsel is of the opinion that the decision was made voluntarily with knowledge of the legal and treatment consequences. Nothing in this Administrative Order is meant to suggest that the Court can or will inquire into the substance of such conversations.

If the respondent has been the subject of four or more proceedings to be voluntarily admitted to a mental health facility initiated in the twenty-four month period immediately preceding the filing of the instant proceeding, the director of the mental health facility to which the respondent has been informally or voluntarily admitted shall file, in addition to the Notice of Voluntary Admission, a statement demonstrating that the individual is likely to receive continued treatment following his or her discharge from the facility. Such documentation is critical to the required judicial determination that an informal or voluntary admission is in the best interest of the respondent and the public. (405 ILCS 5/2-801).

VII. Agreed Deferral of Mental Health Admission Proceedings.

The Court encourages the Petitioner and Respondent, through their respective attorneys, to consider the therapeutic and protective issues relating to the respondent and the community in an effort to resolve the matter through a negotiated settlement. This approach is authorized by Section 3-801.5 of the Code. (405 ILCS 5/3-801.5). The process should include all persons who have an interest in the outcome of the proceeding. This would include the respondent, mental health care providers and support staff and family or other persons who may be called upon to assist in the treatment regimen agreed upon.

Any such agreement must be clearly understood to be subject to review and approval by the Court.

If such agreement results in the entry of a Care and Custody Order, the Court shall continue the matter for review for a date certain, not more than 160 days after the date of

the entry of said Order. If any party seeks to extend such Order, a petition seeking such relief shall be filed no later than seven days prior to this continued date. Notice of filing and Notice of the hearing on said petition shall be served on all parties in accordance with the Rules.

No Agreed Order requiring the respondent to participate in a program of alternative treatment or be subject to the care and custody of another shall be entered unless the Court advises the individual in open court of the requirements of such order and finds that the respondent understands and agrees to the conditions of the proposed disposition. If the parties contemplate the entry of a Care and Custody Order, the suggested custodian must appear in court and demonstrate an understanding of the requirements of the order and agrees to abide by its terms.

All Care and Custody Orders providing for a period of hospitalization shall state in clear language that the respondent is being admitted as a voluntary patient and that upon admission the facility shall advise the respondent of their right to discharge under Section 3-403 of the Code.

No agreed dispositional order shall provide for the administration of psychotropic medication unless the respondent expressly agrees to this form of treatment and the Court enters a finding, based upon a review of his or her treatment history, that the respondent is unlikely to receive needed medication in the absence of such order.

VIII. Discovery.

As all proceedings under the Code are of an expedited nature, the parties are required to promptly disclose all relevant material bearing on the issues of which they have knowledge. By way of illustration and not limitation, such information shall include witness statements, reports, memoranda or other documents relating to opinion testimony of any person who will render expert testimony in the admission proceedings. Respondent's counsel shall have immediate access to any and all medical records of the respondent.

IX. Conduct of Hearings.

All hearings shall be conducted at the venues designated by the Chief Judge as a Place of Holding Court. Evidentiary hearings on Petitions for Involuntary Admission

and/or Court Authorized Treatment shall be conducted in the presence of the respondent and a verbatim record of the proceedings shall be made.

No evidentiary hearing in such cases shall take place in the absence of the respondent unless the Court is satisfied by a clear showing that the respondent has refused to attend the proceedings or that the respondent's counsel has waived this appearance right because attendance at the proceedings would subject him or her to a substantial risk of physical or emotional harm.

If the Court or jury finds that the respondent is subject to involuntary admission to a mental health facility, the Court shall direct that a written report be prepared to assist in the determination of the proper disposition. Such report may include information on the availability of appropriateness of alternative treatment settings, a social investigation of the respondent, a preliminary treatment plan and any additional information requested by the Court. The preliminary treatment plan shall include a description of the respondent's problems and needs, treatment goals, proposed treatment methods and a projected timetable for their attainment.

If such report has been prepared prior to the finding, the Court may immediately proceed to a dispositional hearing. The Court retains the discretion to order a more complete report or such additional information deemed necessary in order to determine the appropriate disposition. If additional information is requested, the dispositional hearing shall be scheduled for no later than fourteen days after the date of the entry of the finding.

If the fact finder determines that the respondent is not subject to involuntary admission, the Court shall enter such finding in the Court Record and order that the respondent be discharged.

X. Dispositional Hearing.

The Court shall consider the preliminary written treatment report and any other relevant material in determining the placement of the respondent in a mental health facility which offers appropriate and available services in the least restrictive environment.

The disposition may include hospitalization for a period not to exceed ninety days. Such placement may be in a private or publicly funded institution. The Court may

also order a treatment program that is an alternative to hospitalization. Such a disposition may not be entered unless it appears that the program being considered is capable of delivering the care and treatment appropriate to the respondent's condition. The Court may also place a respondent in the care and custody of any person willing and able to properly care for him or her.

In the event hospitalization is ordered, the Court shall direct that the facility director file with the Court, within 30 days, a current treatment plan. The facility director shall serve a copy of such report on the SAO and the LAS. The purpose of this report is to assure that the respondent still meets the standards for involuntary admission and is receiving services that are reasonably calculated to either result in significant improvement of their condition or release from hospitalization or calculated to prevent further decline in their clinical condition. In order to comply with the statute, the matter shall be continued to a date after the date set for filing the report but no later than forty-two days after the date of disposition.

The report shall contain, at a minimum, a written assessment of whether or not the recipient is in need of psychotropic medications, an assessment of the recipient's treatment needs, a description of the services recommended for treatment, the goals of each type of element of service, an anticipated timetable for the accomplishment of the goals, and a designation of the qualified professional responsible for the implementation of the plan.

An order for alternative treatment shall be for the time frame necessary to complete the treatment regimen set out in the plan prepared in accordance with Section 3-810 of the Code. The order shall detail the obligations of the respondent. The order shall also advise the respondent of the Court's continuing jurisdiction over the matter. Such notice should also state that a failure to comply with the treatment order or a subsequent therapeutic determination that alternative treatment is no longer appropriate could result in a modification or revocation of the order for alternative treatment. If the order were modified or revoked, the respondent could be hospitalized, placed in a different alternative treatment plan or discharged. The respondent does have a right to contest any effort to revoke or modify the order at an evidentiary hearing.

An order placing the respondent in the care and custody of another shall be for an initial period not to exceed 180 days. All such orders shall be set for review before the Court on a date certain not less than twenty days prior to their expiration. The order shall specify the authority of the custodian and not be inconsistent with the provisions of the Code. In the event the custodian is empowered to admit the respondent to a hospital, the order shall specify the name of the facility. In the absence of any provision in the order for care and custody providing for the hospitalization of the respondent, the custodian shall have no such authority.

All orders involuntarily admitting a respondent to hospitalization at a mental health facility shall contain language requiring the facility director to file a notice of discharge with the Clerk of Court within two business days of the discharge. Such notice shall be docketed in the record of the case.

All dispositional orders shall assess costs as required by Section 3-818 of the Code.

XI. Orders of Protection.

Upon commencement of proceedings seeking the involuntary admission of an individual under the Code, any person protected by the Illinois Domestic Violence Act of 1986 (750 ILCS 60/101 et seq.) may seek the issuance of a Civil Order of Protection as provided by said Act, provided the allegations supporting said request arise out of the respondent's conduct that led to the initiation of involuntary admission proceedings. Such Petition shall be separately numbered and docketed by the Clerk of Court.

All supplemental proceedings in connection with the issuance of any such Order of Protection shall be maintained in the County Division so long as the involuntary admission proceedings remain pending. A matter is considered pending, for these purposes, during the period of any order for alternative treatment or alternative care and custody. Upon the conclusion of the proceedings, any pending matters relating to the Order of Protection shall be transferred to the Presiding Judge for re-assignment to the Domestic Violence Division.

XII. Post Disposition Proceedings.

a. Review of Treatment Report.

The Court will review the contents of the treatment plan only to assure compliance with the statutory requirements. If the Court determines that any of the information required by the Code is not in the treatment plan or that the treatment plan does not contain information from which the Court can determine whether the recipient continues to meet the criteria for continued confinement, the Court shall indicate what is lacking and order the facility director to revise the current treatment plan to comply with the Code provisions. Any party may seek a hearing to review and or modify the treatment plan. Such request shall be in writing and identify the portions of the plan for which review is sought. Any such hearing shall be conducted in accordance with Section 3-814 (d) of the Code.

b. Modification of Involuntary Admission Orders.

1. Involuntary Hospitalization Orders.

Any person involuntarily admitted to hospitalization in a mental health facility may petition the court for discharge from that order at any time during the ninety day period that it is in effect. Upon receipt of such petition, the Clerk of Court shall file and docket the matter in the proceeding that resulted in the order of hospitalization. The matter shall be set down for scheduling in accordance with the time parameters and schedule set out in Section II, above. The respondent shall cause notice of such filing and a copy of the pleading to be served on the SAO within one business day of filing. The Clerk of Court shall cause notice of the scheduling of the hearing as determined at the scheduling conference to be given to the respondent/petitioner, the SAO, LAS, facility director and not more than two persons identified by the respondent/petitioner in their filing.

The hearing on such petition shall be conducted under Article VIII of the Code (405 ILCS 5/3-800 et seq.). At the conclusion of the hearing, the Court shall enter an order denying the petition, modifying the involuntary admission to an alternative treatment plan or an order for care and custody or discharge the respondent/petitioner from the original order of involuntary admission.

No additional petition may be filed by the respondent without leave of Court.

Any person involuntarily admitted to hospitalization in a mental health facility, or their attorney, custodian, guardian, the facility director, or a responsible relative, as defined in Section 1-124 of the Code, may petition the Court for transfer to a different facility, program of alternative treatment or to an order of care and custody during the ninety day period that the initial order remains in effect. Upon receipt, the Clerk of Court shall docket the filing in the proceeding that resulted in the order of hospitalization and set the matter for a scheduling conference in accordance with the scheduling grid set out in Section II, above. Notice of the filing and a copy of the pleading shall be served upon the SAO by the party filing the petition within one business day of filing.

At the conference, the Court shall use its best efforts to schedule a hearing on the matter within 14 days of the initiation of the proceeding.

a. Modification of Orders of Involuntary Admission to Programs of Alternative Treatment or Care and Custody.

Any person involuntarily admitted to a program of alternative treatment or an order of care and custody may petition the court for discharge from that order at any time that it remains in effect. Upon receipt of such petition, the Clerk of Court shall file and docket the matter in the original proceeding. The matter shall be set down for hearing in accordance with the schedule set out in Section II, above. The respondent shall cause notice of such filing and a copy of the pleading to be served on the SAO within one business day of filing. The Clerk of Court shall cause notice of the scheduling of the hearing to be given to the respondent/petitioner, the SAO, LAS, facility director and two not more than two persons identified by the respondent/petitioner in their filing.

At the conclusion of the hearing, the Court shall enter an order denying the petition, modifying the alternative treatment plan or order for care and custody or discharging the respondent/petitioner from the original order of involuntary admission.

Any person involuntarily admitted to a program of alternative treatment or an order of care and custody, his or her attorney, custodian, guardian, the facility director, or a responsible relative, as defined in Section 1-124 of the Code, may petition the Court for transfer to a different program of alternative treatment or to a modification of the order of care and custody during the time that it remains in effect. Upon receipt, the Clerk of Court shall docket the filing in the proceeding that resulted in the order of involuntary

admission and set the matter for a scheduling conference in accordance with the scheduling grid set out in Section II, above. Notice of the filing and a copy of the pleading shall be served upon the SAO by the party filing the petition within one business day of filing.

At the scheduling conference, the Court shall use its best efforts to schedule a hearing on the matter within 14 days of the initiation of the proceeding.

At the conclusion of the hearing, the Court shall enter an order denying the petition, ordering the respondent's involuntary hospitalization at a mental health facility, modifying the alternative treatment plan or order for care and custody, including changing the person charged with the respondent's care and custody or discharging the respondent/petitioner from the original order of involuntary admission. No person shall be involuntarily hospitalized as a result of these proceedings unless the hearing has been conducted in accordance with the provisions of Article VIII of the Code (405 ILCS 5/3-800 et seq.).

b. Revocation of Order of Involuntary Admission to a Program of Alternative Treatment.

At any time an order for involuntary admission to a program of alternative treatment remains in effect, the facility director may petition the Court to revoke or terminate such order. All such petitions shall be accompanied by a report by the director specifying why the program of alternative treatment is unsuitable, as well as, proof that such petition and supporting documents have been served on the respondent. Upon receipt of said petition, the Clerk of Court shall docket the matter in the original proceeding and schedule it for a scheduling conference in accordance with the scheduling grid in Section II, above. Notice of the scheduling of the case management conference shall be served upon the SAO and LAS and the respondent by the Clerk of Court.

At the scheduling conference, the Court will allow the respondent an opportunity to file a response to the petition and schedule the matter for a hearing on an expedited basis.

At the conclusion of the hearing, the Court shall enter an order either denying the petition, transferring the respondent to a more appropriate program of alternative

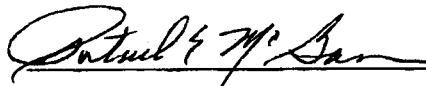
treatment, revoking the original order and ordering hospitalization in a mental health facility or discharging the respondent from the order of involuntary admission.

XIII. Petitions for Orders of Habeas Corpus

All proceedings seeking an Order of Habeas Corpus shall be governed by Article X of the Code of Civil Procedure (735 ILCS 5/10-101 et seq.). Upon receipt, the Clerk of Court shall docket the matter as a separate proceeding and assign the matter to Calendar 2. The matter shall be scheduled for initial presentation on the Administrative Call for Calendar 2 at 11:00 a.m. on the fifth business day after the date of filing. Nothing in this Administrative Order shall prevent any person seeking such relief to have the matter heard as an emergency. All such requests shall be made at 11:00 a.m. or 2:30 p.m. daily in Courtroom 1703 of the Richard J. Daley Center 50 W. Washington Street, Chicago, Illinois. Courtesy copies of all such requests shall be delivered to the Office of the Presiding Judge of the County Division 1701 Richard J. Daley Center, no later than one hour before the intended presentment.

If the request for an Order of Habeas Corpus is filed in a pending matter, the filing should be brought to the immediate attention of the Presiding Judge for the purpose of scheduling a hearing on an expedited basis.

Dated this 26th day of February 2010 and spread upon the records of this Court.


Patrick E. McGann
Presiding Judge, County Division

