

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

**ADMINISTRATIVE ORDER 2009 - 6**

**SUBJECT: Case Procedures for Calendar 2**

Effective September 1, 2009, for all cases initiated in the County Division that are assignable to Calendar 2 the following procedures will be in effect.

**I. Establishment of Administrative Call for Calendar 2**

On September 15, 2009, 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. 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 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 schedule a hearing on said Petition in accordance with the following schedule:

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

All hearings, except as provided below, shall be scheduled for 9:30 a.m. at the Court facility located in Building K at the Chicago Read Mental Health Center, 4250 N. Oak Park, Ave., Chicago, Illinois.

All hearings on cases initiated by or in regard to a patient at the John J. Madden Mental Health Center shall be scheduled for hearing at 9:30 a.m. in Pavilion 11 at the Madden Center, Roosevelt Road and First Avenue, Hines, Illinois.

Commencing September 9, 2009, all proceedings initiated by or in relation to a patient at the Tinley Park Mental Health Center, Little Company of Mary Hospital, Christ Hospital, Ingalls Memorial Hospital, Jackson Park Hospital, Palos Community Hospital or Christ Advocate Medical Center shall be scheduled for a Case Management Conference in accordance with Illinois Supreme Court Rule 218 on Tuesday at 11:00 a.m. in Room 1703 Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois.<sup>1</sup> To the extent possible, hearings in these cases will be set for the Wednesday following the Case Management Conference. Cases, not requiring a jury, initiated by Jackson Park Hospital and Ingalls Memorial Hospital will be heard onsite at the hospital facility that commenced the proceedings. All other cases instituted by the institutions named in this paragraph will be heard at the Tinley Park Mental Health Court Facility. The time of the hearings will be set at the Case Management Conference.

NOTWITHSTANDING any of the foregoing, if the Petition is received by the Clerk of Court on the hearing date for the institution set by this Administrative Order and the matter cannot be placed on that day's court call, the Clerk of Court shall schedule the matter for a Case Management Conference on the Court business date that falls three business days after the date of filing at the Chicago Read Mental Health Facility at 9:30

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<sup>1</sup> The initial Case management Call will be September 15, 2009. The initial date for "on-site" hearings will be September 16, 2009.

a.m. for all cases except those initiated by Tinley Park Mental Health Center, Little Company of Mary Hospital, Christ Hospital, Ingalls Memorial Hospital, Jackson Park Hospital, Palos Community Hospital or Christ Advocate Medical Center. Those cases shall be scheduled for a Case Management Conference on the 11:00 a.m. Administrative Call on the first Monday following the filing in Courtroom 1703 at the Richard J. Daley Center.

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

Notice of the date and time of the scheduled hearing or 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.

In order to assist the Court in the orderly administration of its business, the petitioner and/or respondent shall advise the Court no later than 24 hours before the scheduled hearing date of any request for continuance, for an independent examination (405 ILCS 5/3-804) or a trial by jury. Notification can be made by electronic mail addressed to [cjcal3@cookcountygov.com](mailto:cjcal3@cookcountygov.com) with a copy to the attorney for any opposing party. Service by electronic means is authorized because the statute requires the conduct of such hearings within 5 business days of filing and the Court's finding that the expense of transporting a respondent to a court facility normally exceeds \$1,200.00 in non-reimbursable costs to the mental health facility in which the patient is hospitalized.

The failure to comply with this notice requirement may result in a finding that the right to an examination or trial by jury has been waived absent a showing of good cause to excuse the providing of notice or a showing that the denial of a continuance will result in denying the defaulting party their right to a fair hearing.

If a jury trial is demanded, the matter will 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, 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).

All requests by a petitioner 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 a respondent's presenting objective symptomatology was directly related to a recognized mental disease, a manifestation of dementia, or the result of drug induced psychosis, must be in writing articulating a factual basis for such continuance. Informal notice stating the basis of a parties' intent to request such a continuance 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 12:00 p.m. on the Court date prior to the date set for hearing. A copy of such request shall also be served upon counsel for any adversary party within the same time frame. Delivery to the Court may be made electronically by delivery to [cjcal3@cookcountygov.com](mailto:cjcal3@cookcountygov.com). Due to the time restraints found in the statute, the formal Motion and supporting material may be presented at the time and date set for hearing.

All such requests 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 time 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 hearing and provided that the informal notice described above has been given or excused, the Court will ordinarily grant a respondent's request for a continuance 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.<sup>2</sup>

### **III. 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 hearing in accordance with the provisions of Section I, *supra*.

The Court recognizes that in certain circumstances successful treatment outcomes will require the use of psychotropic medication. 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 where appropriate 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 no later than 24 hours before the scheduled hearing date 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). Notification can be made by electronic mail addressed to [cjcal3@cookcountygov.com](mailto:cjcal3@cookcountygov.com) with a copy to the attorney for any opposing party.

The failure to comply with notice requirement 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

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<sup>2</sup> 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](http://archive.psych.org/edu/other_res/lib_archives/archives/198201.pdf)

good cause to excuse the providing of notice 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. Informal notice stating the basis of a party's intent to request such a continuance 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 12:00 p.m. on the Court date prior to the date set for hearing. A copy of such request shall also be served upon counsel for any adversary party within the same time frame. Delivery to the Court may be made electronically by delivery to [cjcal3@cookcountygov.com](mailto:cjcal3@cookcountygov.com). Due to the time restraints found in the statute, the formal Motion and supporting material may be presented at the time and date set for hearing.

#### **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. and at the Chicago Read Mental Health Center court facility at 10:30 a.m. On and after the effective date of this Administrative Order, Petitions for Examination will not be entertained at the Tinley Park Mental Health Facility.

Unless the Petition is accompanied by two certificates, as required by Mental Health and Developmental Disabilities Code (the "Code"), upon filing the Clerk of Court shall schedule a hearing on the matter on Calendar 2 at the court facility where the Petition was filed.<sup>3</sup> Hearings at the Daley Center will be at 11:00 a.m. and 2:30 p.m. The Read court facility will conduct such hearings at 10:30 a.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 in the facility where the filing occurred. The judge shall determine from the pleadings whether an emergency excusing notice exists. If so, the Court should proceed

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<sup>3</sup> Currently filings will only be accepted at the Read Court Facility and the County Division Clerk's Office in Room 1202 of the Richard J. Daley Center.

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; e.g., the respondent's current health care provider.

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 outpatient basis. If the respondent fails to either appear for the hearing or comply with the Court Order requiring the examination, 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 accordance with the scheduling grid set out in Section I, above. Notice of the hearing shall also 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.

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 an outpatient examination is ordered, the Court shall continue the matter for 14 days. If the examination(s) are conducted and certificates are filed with the Court, the Clerk of Court shall schedule the matter for hearing on the Petition for Involuntary Admission in accordance with the scheduling grid found in Section 1 above; but in no circumstances more than five days after the receipt of the second certificate. (405 ILCS 5/2-706) Notice of the hearing 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 Clerk shall strike the initially scheduled hearing date from the docket upon receipt of the second certificate.

If the Court orders an inpatient examination, the matter shall be continued for hearing on the Petition for Involuntary Admission no later than six days after the date of the order for detention and examination. (405 ILCS 5/2-706). Whenever practical, the date for the hearing shall be selected in accordance with the scheduling grid set out in Section I, above. Notice of the hearing shall be served on the 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).

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. 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 written statement from the Facility Director or designee that the respondent knowingly agreed to submit to the facility's custody for diagnosis, observation, care, and/or treatment until he or she is discharged or within five days, excluding Saturdays, Sundays and Holidays after giving any staff member of the mental health facility written notice of their desire to be discharged 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.<sup>4</sup> 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 two or more proceedings to be voluntarily admitted to a mental health facility initiated in the twelve month period immediately

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<sup>4</sup> Any decision to become a voluntary inpatient at a mental health facility must be made on the basis of informed consent. *Zineron v. Burch*, 494 U.S. 113 (1990). In another context within the MHDDC, informed consent has been defined as a decision made by a recipient who has adequate information to form a reasonable decision; is reasonably competent and able to evaluate all options and choices, as well as their risks and consequences. *Brown v. Murphy*, 278 Ill. App. 3d 981, 983 (1996).



proceeding 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 ILCE 5/2-801). The failure to file such a declaration may result in a hearing to determine the appropriateness of a voluntary admission.

#### **VI. 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 appropriate Rules of the Illinois Supreme Court and the Circuit Court of Cook County, Illinois.

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 agree 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. (405 ILCS 5/3-801.5 (a) (5)).

#### **VII. 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 the names and contact information for any person known to the petitioner who may have relevant information who has not been listed on the petition that initiated the proceedings, 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.

#### **VIII. 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 and the Court is convinced that attendance at the proceedings would subject the respondent to a substantial risk of physical or emotional harm. (405 ILCS 5/3-806 (a)).

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 he or she be discharged.

#### **IX. 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 Court's continuing jurisdiction over the matter;
- 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;
- that if the order were modified or revoked, the respondent could be hospitalized, placed in a different alternative treatment plan or discharged;
- the respondent's 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.

**X. 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 Relations Division.

**XI. 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 hearing in accordance with the time parameters and schedule set out in Section I, 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 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 case management conference in accordance with the scheduling grid set out in Section 1, 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 case management 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 I, 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 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 case management conference in accordance with the scheduling grid set out in Section 1, 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 case management 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 case management conference in accordance with the scheduling grid in Section 1, 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 case management 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 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.

## **XII. Petitions for Orders of Habeas Corpus**

All original 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.). If the filing is an original proceeding, 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 Clerk shall bring the matter to the immediate attention of the Presiding Judge for the purpose of scheduling a hearing on an expedited basis.



**Dated this 17th day of August 2009 and spread upon the records of this Court.**

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**Patrick E. McGann  
Presiding Judge, County Division**