

## ARTICLE 5.5. COMMITMENT REPORTS TO THE COURTS FOR COMMUNITY MENTAL HEALTH CENTERS

### Rule 1. Definitions

#### 440 IAC 5.5-1-1 Applicability

Authority: IC 12-21-2-8  
Affected: IC 12-26-6-8

Sec. 1. The definitions in this rule apply throughout this article. (*Division of Mental Health and Addiction; 440 IAC 5.5-1-1; filed Nov 13, 2000, 11:12 a.m.: 24 IR 993; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235*)

#### 440 IAC 5.5-1-2 “Community mental health center” or “CMHC” defined

Authority: IC 12-21-2-8  
Affected: IC 12-26-6-8; IC 12-26-7-3

Sec. 2. “Community mental health center” or “CMHC” means a mental health facility that the division has certified as fulfilling the statutory and regulatory requirements to be a community mental health center. (*Division of Mental Health and Addiction; 440 IAC 5.5-1-2; filed Nov 13, 2000, 11:12 a.m.: 24 IR 993; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235*)

#### 440 IAC 5.5-1-3 “Division” defined

Authority: IC 12-21-2-8  
Affected: IC 12-26-6-8; IC 12-26-7-3

Sec. 3. “Division” means the division of mental health. (*Division of Mental Health and Addiction; 440 IAC 5.5-1-3; filed Nov 13, 2000, 11:12 a.m.: 24 IR 993; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235*)

### Rule 2. Application of Rule

#### 440 IAC 5.5-2-1 Applicability

Authority: IC 12-21-2-8  
Affected: IC 12-26-6-8; IC 12-26-7-3

Sec. 1. This rule applies to all community mental health centers certified by the division. (*Division of Mental Health and Addiction; 440 IAC 5.5-2-1; filed Nov 13, 2000, 11:12 a.m.: 24 IR 993; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235*)

### Rule 3. Report Requirements

#### 440 IAC 5.5-3-1 Reporting

Authority: IC 12-21-2-8  
Affected: IC 12-24-1-3; IC 12-24-1-4; IC 12-26-2-9; IC 12-26-6-8; IC 12-26-7-3

Sec. 3. If the community mental health center’s employee is neither the petitioner for the commitment nor the physician supplying the physician’s statement, the report from a community mental health center included in a record of commitment proceedings in accordance with IC 12-26-6-8(c) and IC 12-26-7-3(b) shall contain the following information:

- (1) An opinion of whether the individual meets the statutory requirements for involuntary commitment and if, in the opinion of the community mental health center, such requirements are not being met, a statement that care in an institution operated by the division is not appropriate.
- (2) If, in the opinion of the community mental health center, the individual meets the statutory requirements for an involuntary commitment, the following shall be included:
  - (A) A statement that the individual is mentally ill and either gravely disabled or dangerous to self or others due to the individual’s mental illness.

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- (B) A statement that alternatives to state institutional care have been considered by the community mental health center.
- (C) A statement that care in an institution operated by the division is the most appropriate alternative, and the reasons therefore.
- (D) A statement of what services are needed by the individual, pending admission to an institution operated by the division.

*(Division of Mental Health and Addiction; 440 IAC 5.5-3-1; filed Nov 13, 2000, 11:12 a.m.: 24 IR 993; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235)*

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