

**MN State Stas 253B.064 COURT-ORDERED EARLY INTERVENTION;
PRELIMINARY
PROCEDURES.**

Subdivision 1. **General.** (a) An interested person may apply to the designated agency for early intervention of a proposed patient in the county of the patient's residence or presence. If the designated agency determines that early intervention may be appropriate, a prepetition screening report must be prepared pursuant to section 253B.07, subdivision 1. The county attorney may file a petition for early intervention following the procedures of section 253B.07, subdivision 2.

(b) The proposed patient is entitled to representation by counsel, pursuant to section 253B.03, subdivision 9. The proposed patient shall be examined by an examiner, and has the right to a second independent examiner, pursuant to section 253B.07, subdivisions 3 and 5.

Subd. 2. **Prehearing examination; failure to appear.** If a proposed patient fails to appear

for the examination, the court may:

(1) reschedule the examination; or

(2) deem the failure to appear as a waiver of the proposed patient's right to an examination

and consider the failure to appear when deciding the merits of the petition for early intervention.

Subd. 3. **County option.** Nothing in sections 253B.064 to 253B.066 requires a county to use early intervention procedures.

253B.065 COURT-ORDERED EARLY INTERVENTION; HEARING PROCEDURES.

Subdivision 1. **Time for early intervention hearing.** The hearing on the petition for early intervention shall be held within 14 days from the date of the filing of the petition. For good cause shown, the court may extend the time of hearing up to an additional 30 days. When any proposed patient has not had a hearing on a petition filed for early intervention within the allowed time, the proceedings shall be dismissed.

Subd. 2. **Notice of hearing.** The proposed patient, the patient's counsel, the petitioner, the county attorney, and any other persons as the court directs shall be given at least five days' notice

that a hearing will be held and at least two days' notice of the time and date of the hearing,

except that any person may waive notice. Notice to the proposed patient may be

waived by
patient's counsel.

Subd. 3. **Failure to appear.** If a proposed patient fails to appear at the hearing, the court may reschedule the hearing within five days and direct a health officer, peace officer, or other person to take the proposed patient to an appropriate treatment facility designated by the court and transport the person to the hearing.

Subd. 4. **Procedures.** The hearing must be conducted pursuant to section 253B.08, subdivisions 3 to 8 .

Subd. 5. **Early intervention criteria.** (a) A court shall order early intervention treatment of a proposed patient who meets the criteria under paragraph (b) or (c). The early intervention treatment must be less intrusive than long-term inpatient commitment and must be the least restrictive treatment program available that can meet the patient's treatment needs.

(b) The court shall order early intervention treatment if the court finds all of the elements of the following factors by clear and convincing evidence:

(1) the proposed patient is mentally ill;
(2) the proposed patient refuses to accept appropriate mental health treatment; and
(3) the proposed patient's mental illness is manifested by instances of grossly disturbed behavior or faulty perceptions and either:

(i) the grossly disturbed behavior or faulty perceptions significantly interfere with the proposed patient's ability to care for self and the proposed patient, when competent, would have

chosen substantially similar treatment under the same circumstances; or

(ii) due to the mental illness, the proposed patient received court-ordered inpatient treatment under section [253B.09](#) at least two times in the previous three years; the patient is

exhibiting symptoms or behavior substantially similar to those that precipitated one or more of

the court-ordered treatments; and the patient is reasonably expected to physically or mentally

deteriorate to the point of meeting the criteria for commitment under section [253B.09](#) unless

treated.

For purposes of this paragraph, a proposed patient who was released under section [253B.095](#)

and whose release was not revoked is not considered to have received court-ordered inpatient

treatment under section [253B.09](#).

(c) The court may order early intervention treatment if the court finds by clear and convincing

evidence that a pregnant woman is a chemically dependent person. A chemically dependent

person for purposes of this section is a woman who has during pregnancy engaged in excessive

use, for a nonmedical purpose, of controlled substances or their derivatives, alcohol, or inhalants

that will pose a substantial risk of damage to the brain or physical development of the

fetus.

(d) For purposes of paragraphs (b) and (c), none of the following constitute a refusal to accept appropriate mental health treatment:

(1) a willingness to take medication but a reasonable disagreement about type or dosage;

(2) a good-faith effort to follow a reasonable alternative treatment plan, including treatment

as specified in a valid advance directive under chapter 145C or section [253B.03, subdivision 6d](#);

(3) an inability to obtain access to appropriate treatment because of inadequate health care

coverage or an insurer's refusal or delay in providing coverage for the treatment; or

(4) an inability to obtain access to needed mental health services because the provider will

only accept patients who are under a court order or because the provider gives persons under a

court order a priority over voluntary patients in obtaining treatment and services.

253B.066 COURT-ORDERED EARLY INTERVENTION; DECISION; TREATMENT ALTERNATIVES; DURATION.

Subdivision 1. **Treatment alternatives.** If the court orders early intervention under section

[253B.065, subdivision 5](#), the court may include in its order a variety of treatment alternatives

including, but not limited to, day treatment, medication compliance monitoring, and short-term

hospitalization not to exceed 21 days.

If the court orders short-term hospitalization and the proposed patient will not go voluntarily,

the court may direct a health officer, peace officer, or other person to take the person into custody

and transport the person to the hospital.

Subd. 2. **Findings.** The court shall find the facts specifically and separately state its conclusions of law in its order. Where early intervention is ordered, the findings of fact and

conclusions of law shall specifically state the proposed patient's conduct which is a basis for

determining that each of the requisites for early intervention is met.

The court shall also determine the nature and extent of the property of the patient and of the

persons who are liable for the patient's care.

Subd. 3. **Duration.** The order for early intervention shall not exceed 90 days.