

CCR 3.4
HEARING

(a) Procedure. The hearing shall be proceeded with as in any other civil action.

(b) Findings and Conclusions. Unless the matter is tried to a jury, the court shall make and enter findings of fact and conclusions of law.

(c) Verdict. If the matter is tried to a jury, the court shall instruct the jury to bring in a special verdict, which shall include, as relevant, findings regarding whether:

(1) The respondent has a behavioral health disorder, mental disorder, substance use disorder, and/or a co-occurring mental disorder and substance use disorder;

(2) The respondent is gravely disabled as a result of the behavioral health disorder;

(3) The respondent, after having been taken into custody for evaluation and treatment, or during the current period of court ordered treatment, threatened, attempted, or inflicted physical harm upon self or another, or substantial damage upon the property of another;
1186 RULES OF COURT

(4) The respondent, as a result of the behavioral health disorder, presents or continues to present a likelihood of serious harm to self or others or the property of others;

(5) The respondent was taken into custody as a result of conduct in which the respondent attempted or inflicted physical harm upon self or the person of another, or substantial damage upon the property of another;

(6) Criminal charges against the respondent have been dismissed due to a finding of incompetence, the respondent has been determined to be incompetent, and the respondent committed acts constituting a felony;

(7) The respondent, as a result of the behavioral health disorder, presents a substantial likelihood of repeating similar acts; and

(8) The petitioner has proved that less restrictive treatment will not serve the best interest of the respondent or others.

[Adopted effective January 1, 1974; Amended effective October 31, 2023.]