

62A-15-705 Commitment proceedings in juvenile court -- Criteria -- Custody.

- (1)
 - (a) Subject to Subsection (1)(b), commitment proceedings for a child may be commenced by filing a written application with the juvenile court of the county in which the child resides or is found, in accordance with the procedures described in Section 62A-15-631.
 - (b) Commitment proceedings under this section may be commenced only after a commitment proceeding under Section 62A-15-703 has concluded without the child being committed.
- (2) The juvenile court shall order commitment to the physical custody of a local mental health authority if, upon completion of the hearing and consideration of the record, it finds by clear and convincing evidence that:
 - (a) the child has a mental illness, as defined in Subsection 62A-15-602(8);
 - (b) the child demonstrates a risk of harm to himself or others;
 - (c) the child is experiencing significant impairment in his ability to perform socially;
 - (d) the child will benefit from the proposed care and treatment; and
 - (e) there is no appropriate less restrictive alternative.
- (3) The local mental health authority has an affirmative duty to conduct periodic reviews of children committed to its custody pursuant to this section, and to release any child who has sufficiently improved so that the local mental health authority or its designee determines that commitment is no longer appropriate.

Amended by Chapter 195, 2003 General Session