

1 A. As used in this act:

2 1. "General guardianship" means a relationship where a person
3 has been appointed by a court to serve as the guardian of an
4 incapacitated person to ensure that the essential requirements for
5 the health and safety of the person are met, to manage the estate or
6 financial resources of the person, or both;

7 2. "Gravely disabled" means a condition in which a person,
8 because of a mental illness, is unable to provide for his or her
9 basic personal needs for food, clothing, or shelter;

10 3. "Inpatient mental health treatment" means a treatment
11 service offered or provided for a continuous period of more than
12 twenty-four (24) hours in residence after admission to a mental
13 health or substance abuse treatment facility for the purpose of
14 observation, evaluation, or treatment; and

15 4. "Ward" means a person over whom a guardian is appointed and
16 a person over whose property a guardian or conservator is appointed.

17 B. A guardian who has general guardianship and who has obtained
18 an order by a court for inpatient mental health treatment for the
19 ward may apply for an order requiring either municipal or county
20 officials to retrieve, only if in an unsheltered environment, and
21 deliver the gravely disabled ward to an inpatient treatment
22 facility, pursuant to Section 1-110 of Title 43A of the Oklahoma
23 Statutes, when one of the following criteria are met:

1 1. The ward is unable to utilize the means available to provide
2 for his or her basic personal needs regarding food, clothing, or
3 shelter. Considerations that shall be made when making this
4 evaluation shall include, but not be limited to, the following:

- 5 a. whether lab examinations reveal signs of malnutrition
6 or dehydration,
- 7 b. whether there is observed, documented behavior showing
8 an inability to consume adequate amounts of food or
9 water due to a mental illness,
- 10 c. whether there is a history of public nudity or
11 inadvertent exhibitionism which has been observed and
12 documented and is due to a mental illness,
- 13 d. the existence of physical evidence of exposure to the
14 environment due to mental illness symptoms which
15 prevent the ward from wearing adequate clothing,
- 16 e. whether there is observed behavior and symptoms of a
17 mental illness which prevent the ward from utilizing
18 or obtaining adequate shelter,
- 19 f. the existence of a repeated and recent history of
20 failure to maintain adequate shelter in the community
21 due to behaviors and symptoms of a mental illness, or
22 g. evidence of a failure to maintain a shelter in a
23 manner that is safe to live in, due to symptoms of a
24 mental illness;

1 2. The ward is unable to voluntarily request and receive
2 assistance for his or her basic personal needs; or

3 3. The ward is unable to survive safely without involuntary
4 detention and does not have the help of family members, friends, or
5 others to provide the ward's basic personal needs regarding food,
6 clothing, or shelter.

7 C. No person shall be presumed to be incompetent because the
8 person has been evaluated or treated for a mental illness,
9 regardless of whether such evaluation or treatment was voluntarily
10 or involuntarily received.

11 SECTION 3. This act shall become effective November 1, 2023.

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13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
14 03/02/2023 - DO PASS, As Amended and Coauthored.

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