

#### 14. Habeas Corpus.

(a) *At any time, any person admitted to any facility or Veterans' Administration Hospital, or anyone, on his behalf, may apply to any appropriate court for a writ of habeas corpus. Such proceeding shall be available to determine the cause and the legality of his admission and continued detention.*

(b) *A writ of habeas corpus may also be applied for in the name of the Department to determine whether any patient has been properly admitted or properly retained by any facility. Such application shall be made by the Commission or his authorized representative and shall be filed by the States' Attorney of the county in which the facility is located or of which the patient is a resident.*

#### 15. Judicial Release.

(a) *Any patient may, at any time, subject to the limitations specified in this section, file a petition in the equity court of the county in which he resides or resided at the time of his admission, or in which he is confined for the purpose of securing his release. Any person having a legitimate interest in the welfare of the patient may file the petition on his behalf. The Department shall be the respondent in any such case, unless the patient is a patient in a private facility or a Veterans' Administration Hospital, in which case the private facility or the Veterans' Administration Hospital shall be named as the respondent.*

(b) *The petition shall be such form and contain such data as may be designated by the Maryland Rules.*

(c) *The petitioner may request that his petition be heard by a jury, and thereafter, such trial shall proceed as in a civil action at law.*

(d) *The issues to be determined are:*

(1) *does the patient have any mental disorder; and*

(2) *is the disorder of such a nature that for the protection of himself or others, the patient needs inpatient medical care or treatment.*

*If the jury or court sitting as a jury answers both questions affirmatively, the court shall remand the patient to the custody of the facility or Veterans' Administration Hospital from which he petitioned for release. If either question is answered in the negative, the petitioner shall be released from the facility or Veterans' Administration Hospital.*

(e) *Appeals may be taken from decisions on petitions as in any other equity cases and may be taken by the petitioner or the respondent.*

(f) *Records of all such proceedings shall be made a permanent part of the patient record of each patient.*

(g) *Once a patient has had a determination on the merits of any one petition filed by him pursuant to this section, no subsequent petition prepared by or for him shall be heard by a court of equity within one year of such prior determination, unless, in addition to all other required data, the petition is accompanied by a valid*