

~~{(1)} (I) Does the patient have any mental disorder, and~~

~~{(2)} (II) Is the disorder of such a nature that for the protection of himself or others, the patient needs inpatient medical care or treatment.~~

~~(2) 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.~~

~~(3) (I) IN ADDITION TO THE OTHER ISSUES IN THIS SUBSECTION, IF THE PATIENT IS 65 YEARS OF AGE OR OLDER, A DETERMINATION SHALL BE MADE AS TO WHETHER THERE IS A LESS RESTRICTIVE OR MORE APPROPRIATE FORM OF CARE AND TREATMENT, OTHER THAN ASSIGN TO A VETERANS' ADMINISTRATION HOSPITAL OR FACILITY, THAT IS ADEQUATE FOR THE PATIENT'S NEEDS AND CAN FEASIBLY BE PROVIDED TO THE PATIENT.~~

~~(II) IF THE JURY OR COURT SITTING AS A JURY FINDS THAT A LESS RESTRICTIVE OR MORE APPROPRIATE FORM OF CARE AND TREATMENT IS ADEQUATE AND CAN FEASIBLY BE PROVIDED, THE PATIENT SHALL BE RELEASED. HOWEVER, IF THE JURY OR THE COURT SITTING AS A JURY FINDS THAT A LESS RESTRICTIVE OR MORE APPROPRIATE FORM OF CARE AND TREATMENT IS NOT ADEQUATE OR CANNOT BE FEASIBLY PROVIDED, THE PATIENT SHALL BE REMANDED TO THE CUSTODY OF 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 affidavit showing improvement of the patient's mental condition subsequent to the trial. No such affidavit shall be valid if executed by a patient of a facility or Veterans' Administration hospital. When filed, the petition and affidavit shall be reviewed by the court, and if the affidavit shows an improvement in the patient's mental condition, the petition shall be heard as provided in this section. If no substantial improvement in such condition is shown, the petition shall be dismissed.~~