

(A) PETITION AUTHORIZED.

SUBJECT TO THE LIMITATIONS IN THIS SECTION, A PETITION FOR THE RELEASE OF AN INDIVIDUAL WHO IS HELD UNDER THIS TITLE FROM A FACILITY OR A VETERANS' ADMINISTRATION HOSPITAL MAY BE FILED, AT ANY TIME BY:

(1) THE INDIVIDUAL; OR

(2) ANY PERSON WHO HAS A LEGITIMATE INTEREST IN THE WELFARE OF THE INDIVIDUAL.

(B) JURISDICTION AND VENUE.

THE PETITION SHALL BE FILED IN AN EQUITY COURT IN THE COUNTY WHERE THE INDIVIDUAL RESIDES OR RESIDED AT THE TIME OF THE ADMISSION OR WHERE THE FACILITY IS LOCATED.

(C) RESPONDENTS.

(1) IF THE INDIVIDUAL IS IN A PUBLIC FACILITY, THE ADMINISTRATION SHALL BE THE RESPONDENT.

(2) IF THE INDIVIDUAL IS IN A PRIVATE FACILITY OR VETERANS' ADMINISTRATION HOSPITAL, IT SHALL BE THE RESPONDENT.

(D) FORM AND CONTENTS OF PETITION.

THE PETITION SHALL BE IN THE FORM AND CONTAIN THE INFORMATION THAT THE MARYLAND RULES REQUIRE.

(E) TRIAL BY JURY.

IF THE PETITIONER REQUESTS TRIAL BY JURY, THE TRIAL SHALL BE HELD WITH A JURY AS IN A CIVIL ACTION AT LAW.

(F) ISSUES TO BE DETERMINED.

THE TRIER OF FACT SHALL DETERMINE:

(1) WHETHER THE INDIVIDUAL IS A MENTALLY RETARDED INDIVIDUAL; AND

(2) IF SO, WHETHER THE INDIVIDUAL NEEDS IN-RESIDENCE TREATMENT FOR THE PROTECTION OF THE INDIVIDUAL OR ANOTHER OR FOR ADEQUATE CARE OF THE INDIVIDUAL.

(G) ACTION BY COURT.

(1) IF THE TRIER OF FACT DETERMINES THAT THE INDIVIDUAL IS A MENTALLY RETARDED INDIVIDUAL AND NEEDS IN-RESIDENCE TREATMENT, THE COURT SHALL REMAND THE INDIVIDUAL TO THE CUSTODY OF THE FACILITY OR VETERANS' ADMINISTRATION HOSPITAL.