

## (G) ACTION BY COURT.

(1) IF THE TRIER OF FACT FINDS THAT THE INDIVIDUAL HAS A MENTAL DISORDER AND NEEDS IN-RESIDENCE INPATIENT MEDICAL CARE OR TREATMENT, THE COURT SHALL REMAND THE INDIVIDUAL TO THE CUSTODY OF THE FACILITY OR VETERANS' ADMINISTRATION HOSPITAL.

(2) IF THE TRIER OF FACT FINDS THAT THE INDIVIDUAL DOES NOT HAVE A MENTAL DISORDER OR HAS A MENTAL DISORDER, BUT DOES NOT NEED IN-RESIDENCE INPATIENT MEDICAL CARE OR TREATMENT, THE INDIVIDUAL SHALL BE RELEASED FROM THE FACILITY OR VETERANS' ADMINISTRATION HOSPITAL.

## (H) APPEALS.

ANY PARTY MAY APPEAL FROM A DECISION ON THE PETITION AS IN ANY OTHER CIVIL CASE.

## (I) RECORDS OF PROCEEDINGS.

APPROPRIATE RECORDS OF THE PROCEEDING UNDER THIS SECTION SHALL BE MADE A PERMANENT PART OF THE INDIVIDUAL'S RECORD.

## (J) LATER REVIEW.

(1) AFTER A DETERMINATION ON THE MERITS OF A PETITION FILED UNDER THIS SECTION, A COURT MAY NOT HEAR A LATER PETITION FOR THE INDIVIDUAL WITHIN 1 YEAR AFTER THAT DETERMINATION, UNLESS THE PETITION IS ACCOMPANIED BY A VALID AFFIDAVIT THAT THE COURT, AFTER REVIEW OF THE PETITION AND AFFIDAVIT, DETERMINES TO SHOW AN IMPROVEMENT IN THE MENTAL CONDITION OF THE INDIVIDUAL AFTER THE DETERMINATION.

(2) AN AFFIDAVIT IS NOT VALID IF EXECUTED BY AN INDIVIDUAL UNDER CARE OR TREATMENT IN A FACILITY OR VETERANS' ADMINISTRATION HOSPITAL.

(3) IF THE MATTER IS REOPENED, THE PETITION SHALL BE HEARD AS PROVIDED IN THIS SECTION.

(4) IF THE AFFIDAVIT DOES NOT SHOW IMPROVEMENT IN THE INDIVIDUAL'S MENTAL CONDITION, THE PETITION SHALL BE DISMISSED.

REVISOR'S NOTE: This section formerly appeared as Article 59, § 15.

In subsection (a) of this section, the reference to an individual held "under this title" is added to reflect that, unless otherwise provided, this section applies only to detention under this title. See, e.g., § 12-114(c) of this article; cf., § 12-104 of this article.