

7-506.

ANY INDIVIDUAL WHO HAS BEEN ADMITTED TO A STATE RESIDENTIAL CENTER OR ANY PERSON ON BEHALF OF THE INDIVIDUAL MAY APPLY AT ANY TIME TO A COURT OF COMPETENT JURISDICTION FOR A WRIT OF HABEAS CORPUS TO DETERMINE THE CAUSE AND THE LEGALITY OF THE DETENTION.

7-507.

(A) SUBJECT TO THE LIMITATIONS IN THIS SECTION, A PETITION FOR THE RELEASE OF AN INDIVIDUAL WHO IS HELD UNDER THIS SUBTITLE FROM A STATE RESIDENTIAL CENTER 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) THE PETITION SHALL BE FILED IN A CIRCUIT COURT FOR THE COUNTY:

(1) WHERE THE INDIVIDUAL RESIDES OR RESIDED AT THE TIME OF THE ADMISSION; OR

(2) WHERE THE STATE RESIDENTIAL CENTER IS LOCATED.

(C) THE ADMINISTRATION SHALL BE THE RESPONDENT IN A PETITION UNDER THIS SECTION.

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

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

(F) THE TRIER OF FACT SHALL DETERMINE:

(1) WHETHER THE INDIVIDUAL HAS MENTAL RETARDATION;

(2) WHETHER FOR ADEQUATE HABILITATION, THE INDIVIDUAL NEEDS RESIDENTIAL SERVICES; AND

(3) WHETHER THERE IS A LESS RESTRICTIVE SETTING IN WHICH THE NEEDED SERVICES CAN BE PROVIDED THAT IS AVAILABLE TO THE INDIVIDUAL OR WILL BE AVAILABLE TO THE INDIVIDUAL WITHIN A REASONABLE TIME.

(G) (1) THE COURT SHALL REMAND THE INDIVIDUAL TO THE CUSTODY OF THE STATE RESIDENTIAL CENTER, IF THE TRIER OF FACT DETERMINES THAT:

(I) THE INDIVIDUAL HAS MENTAL RETARDATION;