

8-513-

FOR THE PURPOSE OF A PROCEEDING UNDER THIS SUBTITLE, IF THE SPOUSE OF THE INDIVIDUAL ALLEGED TO BE A DRUG ABUSER IS THE PETITIONER, A COMMUNICATION TO THE SPOUSE BY THE INDIVIDUAL ALLEGED TO BE A DRUG ABUSER IS NOT A CONFIDENTIAL COMMUNICATION.

8-514-

(A) AFTER A PETITION IS FILED UNDER THIS PART OF THE SUBTITLE, THE COURT MAY EXAMINE, UNDER OATH, THE PETITIONER OR ANY OTHER WITNESSES.

(B) (1) THE COURT SHALL ORDER THE INDIVIDUAL TO APPEAR BEFORE THE COURT IF THE COURT FINDS THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE INDIVIDUAL FOR WHOM COMMITMENT IS SOUGHT UNDER THIS PART II OF THIS SUBTITLE:

(i) IS A DRUG ABUSER;

(ii) NEEDS CARE, SUPERVISION, AND TREATMENT;

AND

(iii) UNLESS THE COMMITMENT IS VOLUNTARY, PRESENTS A DANGER TO THE LIFE OR SAFETY OF THE INDIVIDUAL OR ANOTHER.

(2) THE ORDER SHALL STATE THAT THE INDIVIDUAL IS TO APPEAR BEFORE THE COURT FOR A DETERMINATION WHETHER THERE IS PROBABLE CAUSE TO ORDER THE INDIVIDUAL TO RECEIVE TREATMENT. THE ORDER SHALL STATE THE TIME AT WHICH THE INDIVIDUAL IS TO APPEAR.

(3) THE COURT:

(i) SHALL DIRECT THAT THE ORDER AND PETITION BE SERVED ON THE INDIVIDUAL ALLEGED TO BE A DRUG ABUSER PERSONALLY OR BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL SERVICE, AND

(ii) MAY DIRECT THAT THE ORDER AND PETITION BE SERVED ON THE PETITIONER PERSONALLY OR BY MAIL.

8-515-

(A) WHEN THE INDIVIDUAL FOR WHOM COMMITMENT IS SOUGHT UNDER THIS PART II OF THIS SUBTITLE APPEARS BEFORE THE COURT, THE COURT SHALL:

(1) GIVE THE INDIVIDUAL A COPY OF EACH PAPER NOT YET SERVED ON THE INDIVIDUAL;

(2) IF THE INDIVIDUAL DOES NOT HAVE COUNSEL, ADVISE THE INDIVIDUAL OF THE INDIVIDUAL'S RIGHT TO COUNSEL, AND