

HOUSE BILL No. 1392

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-26-17.

Synopsis: Involuntary substance use disorder treatment. Allows an individual's spouse, legal guardian, friend, or relative to petition a court for involuntary substance use disorder treatment. Requires a petition to include certain information and allows a court to dismiss a petition, without prejudice, if it does not contain the required information. Requires the court to appoint a public defender if the individual subject to a petition seeking involuntary substance use disorder treatment is not represented by an attorney. Requires a court to order the individual to be evaluated by two medical providers, one of which must be a licensed physician, if the court finds that: (1) the individual has a substance use disorder; (2) because of the individual's substance use disorder, the individual is experiencing impaired judgment and is unable to independently maintain the individual's activities of daily living or is a danger to self or others; and (3) the individual refuses to voluntarily participate in substance use disorder treatment. Allows a court to order a local law enforcement agency to consider whether an individual meets the criteria for emergency detention under certain circumstances. Requires a medical provider who completes an evaluation concerning an individual's need for substance use disorder treatment to submit the evaluation to the court. Specifies that after receiving an evaluation from a medical provider, the court may dismiss the petition or set a hearing for further evidence to be presented about the individual's need for substance use disorder treatment. Requires a court to order involuntary substance use disorder treatment for a period of between 60 and 360 days if medical evidence supports that the individual requires immediate treatment for a substance use disorder
(Continued next page)

Effective: July 1, 2026.

Patterson, Goss-Reaves

January 8, 2026, read first time and referred to Committee on Judiciary.



Digest Continued

and the individual has refused treatment. Requires the petitioner to pay all medical expenses that result from a respondent receiving court ordered involuntary substance use disorder treatment. Specifies that a respondent may be subject to contempt proceedings for a failure or refusal to comply with a court order issued in response to the petition for involuntary substance use disorder treatment.



Introduced

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1392

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-26-17 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]:

4 **Chapter 17. Involuntary Treatment for Substance Use Disorder**

5 **Sec. 1. (a) Involuntary treatment for substance use disorder may**
6 **be considered by the court under this chapter upon the filing of a**
7 **petition with a court having jurisdiction in the county where the**
8 **individual:**

9 (1) resides; or

10 (2) may be located.

11 **(b) A petition may be filed under subsection (a) by an**
12 **individual's:**

13 (1) spouse;

14 (2) legal guardian; or

15 (3) friend or relative.



(c) A petition filed under subsection (a) must include the following:

- (1) The individual's name and date of birth.
- (2) All factual allegations to support that the individual:
 - (A) has a substance use disorder;
 - (B) is a danger to self or others or is unable to independently maintain the individual's activities of daily living because of a substance use disorder;
 - (C) is unable to make the decision to seek treatment or has refused to seek treatment for substance use disorder; and
 - (D) is in need of treatment for substance use disorder.
- (3) If an individual is represented by an attorney, the petition must identify the individual's attorney.

(d) A petition filed under subsection (a) must be served on:

- (1) the individual;
- (2) any court appointed legal guardian of the individual; and
- (3) the individual's attorney, if applicable.

Sec. 2. (a) Upon receipt of a petition filed under section 1 of this chapter, unless impracticable, the court:

- (1) shall, if the petition contains all elements required by section 1(c) of this chapter, conduct a hearing not later than fifteen (15) days after the petition is filed; or
- (2) may dismiss, without prejudice, a petition that does not comply with section 1(c) of this chapter.

(b) If the individual is not represented by an attorney, the court shall appoint a public defender to represent the individual.

(c) Notice of a hearing conducted under this section shall be served on:

- (1) the individual;
- (2) any court appointed legal guardian of the individual;
- (3) the petitioner; and
- (4) the individual's attorney or the appointed public defender.

(d) A request for a continuance of the hearing described in subsection (a) for a period of not more than thirty (30) days may be granted for good cause shown.

Sec. 3. (a) Except as provided in subsection (c), if, upon the completion of the hearing and consideration of the record, the court finds that:

- (1) the individual has a substance use disorder;
- (2) because of the individual's substance use disorder, the individual is experiencing impaired judgment and is:
 - (A) unable to independently maintain the individual's



activities of daily living; or

(B) a danger to self or others; and

(3) the individual refuses to voluntarily participate in substance use disorder treatment;

the court shall order that the individual be evaluated by two (2) medical providers concerning substance use disorder. At least one (1) of the medical providers ordered to complete an evaluation must be a licensed physician.

(b) If the court makes findings under subsection (a), the court shall order:

(1) the individual to undergo an evaluation with the appropriate medical providers within fifteen (15) days;

(2) that the evaluations from the medical providers must be submitted to the court not later than fifteen (15) days after the evaluation is completed. The evaluations submitted to the court under this subdivision must include treatment recommendations, if applicable; and

(3) the petitioner to pay all costs and fees of the two (2) evaluations.

(c) If, upon the completion of the hearing and consideration of the record, the evidence supports that the individual may meet the criteria for emergency detention under IC 12-26-5, the court shall order the local law enforcement agency to consider whether reasonable grounds exist to believe that the individual has a mental illness, is either dangerous or gravely disabled, and is in immediate need of hospitalization and treatment under IC 12-26-5-0.5. If applicable, the individual may be subject to the emergency detention procedures under IC 12-26-5. If an emergency detention is initiated, the petition for involuntary treatment filed under this chapter shall be dismissed without prejudice.

(d) Upon receipt of the evaluations under subsection (b)(2), the court shall do the following:

(1) Dismiss the petition if the evaluations do not recommend that the individual requires immediate treatment for substance use disorder.

(2) Set a hearing date to hear further evidence and make a determination as to the appropriate treatment for the individual if at least one (1) of the evaluations from the medical providers recommend immediate treatment for substance use disorder. The individual, petitioner, and both medical providers shall be ordered to appear at the hearing. Additional witnesses with relevant information may also



appear to provide testimony.

A hearing notice issued under this section shall be served in accordance with section 2(c) of this chapter and shall also be served on each medical provider that has submitted an evaluation to the court.

(e) The individual must appear at a hearing under this section. If the individual does not appear and the court finds that:

- (1) the individual was properly served; and
- (2) the evidence supports that the individual knowingly and voluntarily waived the right to be present at the hearing;

it is within the court's discretion to continue the hearing to a later date or proceed with the hearing without the individual. A hearing may be continued under this subsection for not more than thirty (30) days.

(f) If the court finds, after considering the evidence presented at a hearing ordered under subsection (d)(2), that:

- (1) medical evidence supports that the individual requires immediate treatment for a substance use disorder;
- (2) the individual is a danger to themselves or others; and
- (3) the individual has refused substance use disorder treatment;

the court shall order the individual to receive involuntary substance use disorder treatment for a period not less than sixty (60) days and not more than three hundred sixty (360) days. The court's treatment requirements for the individual shall be based upon the testimony and recommendations of testifying medical providers that have evaluated or treated the individual.

Sec. 4. A petition filed under this chapter shall be dismissed:

- (1) when the three hundred sixty (360) day treatment limitation described in section 3(f) of this chapter has expired;
- (2) when the substance use disorder treatment provider releases the individual from treatment; or
- (3) when the individual voluntarily enters appropriate substance use disorder treatment and submits documentation confirming the voluntary treatment to the court;

whichever is earliest.

Sec. 5. The petitioner is financially responsible for all medical expenses, including out of pocket costs and uninsured expenses, that result from an individual receiving court ordered involuntary substance use disorder treatment under this chapter.

Sec. 6. An individual may be subject to contempt proceedings for a failure or refusal to comply with a court order issued under



1 **this chapter.**
2 **Sec. 7. Nothing in this chapter prevents an individual from being**
3 **subject to an emergency detention or commitment order under this**
4 **article, if the relevant criteria are met.**

