

Kentucky Judicial Commission on **MENTAL HEALTH**



Seth's Law (HB 385)

Overview

The Kentucky Judicial Commission on Mental Health collaborated on a legislative package emphasizing Kentucky's commitment to addressing statewide mental health needs. Sponsored by Representative Moser, Seth's Law (HB 385) prioritizes individual autonomy in healthcare decisions and enhances best practices for competency evaluations. Named in honor of Seth Stevens, a passionate advocate for mental health and competency reform, who tragically died by suicide in 2023, the law takes effect on July 15th, 2024. This law underscores Kentucky's commitment to inclusive governance, where stakeholders work hand in hand to ensure the well-being and dignity of every citizen.

Adult Friend – Medical Decision Maker

By amending KRS 311.631, Seth's Law expands the group of individuals authorized to make healthcare decisions for those lacking decisional capacity. Modeled after similar legislation in Indiana¹, Seth's Law introduces the category of "adult friend" to assume this role, providing crucial support and flexibility, particularly for individuals lacking close family members available to take on such responsibilities. Currently, state-appointed guardians or unfamiliar individuals make decisions for individuals in such circumstances. By reducing reliance on state guardianship during medical crises, this change promotes autonomy and ensures that individuals without decisional capacity receive medical care from someone they trust.

Outpatient Evaluations

Following Tennessee's model², Seth's Law amended KRS 504.080 to grant courts the authority to order outpatient competency and criminal responsibility evaluations for misdemeanor and felony cases. When there is a question regarding a defendant's competency, the court may order an outpatient evaluation by a psychologist or psychiatrist and, if further evaluation is needed, a defendant is then referred to an inpatient facility. These outpatient evaluations can occur at the jail, in the community, or any other suitable location outside of the inpatient state psychiatric hospital system, including Kentucky Correctional Psychiatric Center (KCPC). Additionally, to monitor progress, the court shall schedule a status conference 30 days after the evaluation report is filed. The provision addresses concerns about delays and inefficiencies in the justice system by enabling evaluations without hospitalization. Defendants eligible for outpatient evaluations are expected to be assessed within 3-5 weeks, expediting court proceedings, and delivering swifter justice for victims. Additionally, this initiative aims to reduce KCPC's waitlist for inpatient services and optimize inpatient resources for defendants requiring more urgent evaluation and treatment.

¹ Indiana: [IC 16-36-1-5](#)

² Tennessee: [TCA 33-7-301](#)