

July 2015

Involuntary Civil Commitments: *Common Questions and a Review of State Practices*

In 2014 and 2015, the Washington State Legislature directed the Washington State Institute for Public Policy (WSIPP) to review state practices regarding civil commitments for involuntary mental health treatment (see next page). For a treatment commitment to occur, the court must make a determination that as a result of a mental illness, an individual poses a danger to self or others.

This review examines state variation in the civil commitment process—from the initiation of a petition to the discharge of a patient. We answer common questions related to involuntary civil commitments and address how policy and practices differ from state to state. We cover the legal requirements for civil commitments, discuss who may initiate a petition, and detail how individuals are deemed eligible for involuntary holds. We also outline the length of time committed persons may be held and discuss options courts use to ensure committed persons receive appropriate treatment in the least restrictive setting available.

A detailed Technical Appendix includes a description and reference for the civil commitment statutes in each state. The Technical Appendix also provides detail about emergency detentions (which occur prior to a court hearing) and court-ordered hospitalizations or outpatient treatment orders.

Summary

This review examines differences in state laws and procedures for involuntarily committing individuals who may be a danger to themselves or others as a result of mental illness. An involuntary civil commitment may involve a short-term emergency detention, where an individual is held in temporary custody to prevent harm to themselves or others. At an initial commitment hearing, the court may issue an involuntary treatment order that mandates hospitalization or participation in an agreed outpatient treatment plan. In a limited percentage of cases, an extended commitment may be necessary, if an individual requires ongoing treatment and hospitalization.

The Washington State Legislature directed the Washington State Institute for Public Policy (WSIPP) to investigate state practices regarding different aspects of the involuntary commitment process. This paper discusses common questions related to civil commitments and includes a Technical Appendix with detail on commitment laws in each state. Our review notes how aspects of these laws are implemented in various states and compares these practices to the legal guidelines in effect in Washington State.

Suggested citation: Burley, M., & Morris, M. (2015). *Involuntary civil commitments: Common questions and a review of state practices* (Document Number 15-07-3401). Olympia: Washington State Institute for Public Policy.

I. Background

The modern practice of civil commitment began with the deinstitutionalization of psychiatric patients in the 1960s.¹ Prior to this time, doctors or psychiatrists were responsible for the decision to commit patients for mental health treatment. In 1975, however, the United States Supreme Court ruled that a person may not be held involuntarily if he or she does not present a danger to self or others.² States responded to this ruling by adopting legal criteria for what constitutes “dangerousness” and who is allowed to petition for involuntary treatment based on these criteria.

Legislative Assignment

The 2014 Washington State Legislature directed WSIPP to complete a comprehensive study of the crisis mental health and involuntary commitment system. The study includes “a review of practices in other states regarding third-party initiation of a civil commitment petition...”

(2014 ESSB 6002)

The 2015 Washington State Legislature directed WSIPP to investigate “approaches used in other states to monitor and enforce least restrictive orders, including associated costs.”

(2015 ESSB 5649)

The review presented here answers common questions related to civil commitments and highlights practices in certain states. The questions include:

1. What is the legal basis for involuntary hospitalization?
2. Who can be involuntarily hospitalized?
3. How is “grave disability” defined?
4. What is the “need for treatment” standard?
5. What are the stages in an involuntary civil commitment?
6. Who can initiate a civil commitment or involuntary hospitalization?
7. How long does an emergency detention or involuntary hospitalization last?
8. Are there alternatives to court-ordered commitments to inpatient mental health facilities?
9. What is assisted outpatient treatment? Who qualifies?
10. How is compliance with outpatient orders determined?

Detailed information on the civil commitment process in each state is provided in the Technical Appendix. This information was compiled from an examination of statutes in each state and a review of relevant policy documents and educational materials that describe state commitment practices. A summary of states that have enacted specific provisions discussed in this paper is also presented in Exhibit 1 (page 9).

¹ Testa, M., & West, S.G. (2010). Civil Commitment in the United States. *Psychiatry (Edgemont)*, 7(10), 30–40.

² O'Connor v. Donaldson, 422 U.S. 563, 575 (1975).

1. What is the legal basis for involuntary hospitalization?

The right to make personal treatment decisions is a fundamental principal of health care law.³ However, when individuals are unable to make rational decisions and care for themselves, the legal doctrine of *parens patriae* (parent of the country) permits the state to intervene and act in the best interests of the individual.⁴ In the Technical Appendix we list the statutes in each of the 50 states that authorize involuntary mental health treatment. Since this power involves temporarily depriving an individual of liberty, each state has developed specific criteria and due process protections to authorize involuntary treatment.

2. Who can be involuntarily hospitalized?

While each state has its own statutory criteria for involuntary hospitalization, all states require that an individual have a mental illness in order to be involuntarily hospitalized. However, the presence of mental illness alone is not sufficient for commitment. All states also have the criterion that an individual can be committed if they are likely to cause serious harm to self or others as a result of a mental illness. The dangerous behavior may be demonstrated by actual or perceived threats of violence to self or others.

State commitment criteria for dangerousness may also include the consideration of whether harm to self or others is imminent. In addition to the dangerousness criterion, 46 states also allow a person to be hospitalized if they demonstrate a "grave disability" (as explained below).

Washington State statute includes both criteria—to be civilly committed, a person must demonstrate a likelihood of serious harm or a grave disability as a result of mental illness. In Washington, the court may also consider the recent historical behavior of an individual while making its determination for hospitalization.⁵

3. How is "grave disability" defined?

The grave disability criterion generally supports a civil commitment if an inability to care for basic needs would result in danger or harm to the person. Individuals may be deemed unable to care for themselves if they cannot meet personal needs including but not limited to food, shelter, clothing, or necessary medical care. Most statutes provide a strict interpretation of this requirement—individuals capable of "surviving safely in freedom" would not be considered gravely disabled.⁶

³ Coggon, J., & Miola, J. (2011). Autonomy, liberty, and Medical decision-making. *Cambridge Law Journal*, 70, 523-547.

⁴ Appelbaum, P.S., & Gutheil, T.G. (1991). *Clinical handbook of psychiatry and the law*. Baltimore: Williams & Wilkins. Also, see Revised Code of Washington, RCW 71.05.010.

⁵ RCW 71.05.245.

⁶ O'Connor v. Donaldson, 422 U.S. 563, 575 (1975).

In Washington State, gravely disabled is defined as a condition in which a person, due to mental illness:

*is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.*⁷

Our review of statutes identified only four states that do not include grave disability language in their involuntary commitment code (Alabama, Delaware, Maryland, and New York). Some states, such as Florida, provide an exception in their grave disability clause for individuals who have willing and responsible friends and family available to provide assistance.

4. What is the “need for treatment” standard?

According to our review, 23 states, including Washington, have adopted various forms of a “need for treatment” criterion for civil commitment. States with a need for treatment standard permit an involuntary treatment order when an individual lacks insight into his or her illness and cannot make an informed decision about psychiatric care. In these cases, a court may make a determination that a refusal to seek treatment will result in psychological or physical deterioration.

This criterion is often used in limited circumstances, however. In states such as Minnesota and Montana, the need for

treatment standard may only be used to order compliance with an outpatient treatment plan. Some states, such as Arizona or Wisconsin, permit an inpatient commitment petition based on a need for treatment if the individual has a history of persistent or acute disability combined with prior hospitalizations.

The grave disability criterion in Washington’s inpatient commitment statute permits hospitalization if a mentally ill individual has “severe deterioration in routine functioning” that could interfere with the individual’s health or safety. Recently enacted legislation in Washington establishes additional grounds under which an individual may receive an outpatient commitment order.⁸ The new standard in Washington applies to persons “in need of assisted outpatient mental health treatment.” This standard authorizes an 180-day less restrictive alternative (LRA) outpatient treatment order when a person:

- has been previously involuntarily committed at least once during the past 36 months;
- is unlikely to voluntarily participate in outpatient treatment without a treatment order (based on previous history); and
- is judged to require outpatient treatment to prevent relapse or decompensation that is likely to result in serious harm or grave disability within a short period of time.

Wisconsin’s “fifth standard,” adopted in 1996, was the first state statute to authorize commitment orders for individuals that may “suffer severe mental, emotional, or physical

⁷ RCW 71.05.020(17).

⁸ 2015 ESSB 1450 (effective July 24, 2015).

harm” without mental health treatment. The criterion was ruled constitutional by the Wisconsin State Supreme Court in 2002.⁹

5. What are the stages in an involuntary civil commitment?

Civil commitments are intended to ensure that individuals receive needed mental health treatment and reduce the likelihood that dangerous events occur as a result of untreated mental disorders. The scope of treatment ordered depends on both the level of psychiatric intervention necessary and an assessment of the potential harm involved. The civil commitment process can involve three types of legal commitments:

- emergency detention
- involuntary treatment commitment
- extended commitment¹⁰

Emergency detention. An emergency detention permits an individual to be held in temporary custody to prevent a current threat or dangerous situation. The custody typically occurs in a hospital emergency department or approved mental health treatment facility.

Ten states, including Washington, explicitly state that the risk of harm must be “imminent” for an emergency detention to occur. Most statutes include some type of language requiring likelihood of harm “immediately” or “in the near future” to authorize emergency involuntary hospitalization.

⁹ In re Commitment of Dennis H., 647 N.W.2d 851 (Wis. 2002).

¹⁰ Individuals subject to commitment proceedings will not necessarily encounter all three stages.

Generally, an emergency detention does not entail a full court hearing but may require a psychiatrist or other mental health professional to certify that the individual meets commitment criteria.

Involuntary treatment commitment. An involuntary treatment commitment order occurs following an evaluation by medical professionals and a court hearing to determine whether an individual meets the state’s criteria for involuntary hospitalization. The criteria for emergency detention and commitment orders may or may not be the same depending on the state. For example, laws in 16 states, including Washington, explicitly state that a person can only be placed in temporary custody if the officer (or designated examiner) determines that a detention is necessary to prevent immediate danger or injury.

Washington State draws a further distinction between emergent and non-emergent detentions. An emergent detention requires the presence of an “imminent likelihood of serious harm” for a temporary hold.¹¹ In a non-emergent situation, a judicial officer must issue an order to detain for involuntary treatment evaluation.¹²

After the set period of temporary custody, a court may make a determination if a continued involuntary commitment is appropriate at an initial commitment hearing. Not all states require a court hearing for an involuntary hospitalization. In New York, for example, if two physicians certify that an individual meets criteria for involuntary treatment, that person can be held for 60 days without a court hearing. A

¹¹ RCW 71.05.153.

¹² RCW 71.05.150.

hearing is only held if the individual or an advocate for the patient petitions the court for a hearing. In South Dakota, involuntary commitments are heard by a Mental Illness Board rather than the court.

In Washington, commitment hearings usually take place in a county Superior Court. Certain counties in Washington (such as King County) have established Mental Illness Courts where a judicial officer hears cases with the medical center or hospital.¹³

Extended commitment. An extended commitment occurs when a patient is found to need ongoing treatment following their initial hospitalization and treatment order. Typically, the treating physician or psychiatrist would petition the court, claiming the individual continues to meet commitment criteria and requires further treatment. Both parties are represented by counsel at a formal court hearing, and in some states, a jury (rather than judge) may decide if an extended commitment is necessary.

While initial commitments usually take place in a community hospital or treatment facility, extended commitments often occur in a state psychiatric hospital. In Washington, individuals with extended (90- or 180-day) inpatient commitments are admitted to Western or Eastern State Hospitals.

6. Who can initiate a civil commitment or involuntary hospitalization?

In 39 states, including Washington, an "interested" adult can submit a petition or

¹³ See <http://www.kingcounty.gov/courts/SuperiorCourt/ITACourt.aspx>

formal application for an emergency detention.¹⁴ In the remaining states, the initiation of a petition is limited to certain parties such as attorneys, health and social service professionals, law enforcement officers, and medical and mental health clinicians.

Upon a hearing or review of the petition, the court issues a warrant (or order) which usually permits law enforcement officers to take the individual into custody and transport him or her to a designated treatment facility. Once the individual arrives at the facility, he or she is examined by a certified medical or mental health professional. Most states, including Washington, require that mental health evaluations take place within the first 24 hours after arrival.¹⁵ Massachusetts statute requires an evaluation in the first two hours, while the law in Nebraska permits an individual to be held in temporary custody for 36 hours prior to an evaluation.

If the evaluator determines the individual meets the state's criteria for involuntary treatment, that person may continue to be held until an initial commitment hearing takes place. At the initial commitment hearing, a judicial officer reviews the mental health examination and hears evidence on the alleged need for involuntary treatment.

An initial commitment hearing may occur even if the individual has not been held in emergency detention. In 32 states, including Washington, interested adults may file a

¹⁴ Recent changes to Washington's civil commitment law (Engrossed Second Substitute Senate Bill 5269, Chapter 150, Laws of 2015) permit an immediate family member or guardian to petition the court for review of a decision not to detain an individual for involuntary evaluation and treatment.

¹⁵ See RCW 71.05.210 and 71.05.153 –The 24-hour time period in Washington starts after medical clearance.

petition with the court for an involuntary treatment commitment. In other states, such as Arizona, Colorado, Georgia, Montana, and New Mexico, a petition for court-ordered treatment is filed by the county attorney, treating physician, or facility administrator.

Historically, in Washington State, only physicians or designated mental health professionals (DMHPs) could initiate a petition for involuntary commitment. In 2015, however, the state's Involuntary Treatment Act was amended to permit an immediate family member or guardian to file an appeal if a DMHP decided not to have a person detained for evaluation and treatment.¹⁶

Other states have similar restrictions on third party petitions. While petitions can be filed by a third party in Wisconsin, the petition would only be heard if the county attorney agreed. In 2014, Wisconsin changed this process and required county counsel to proceed with the petition under a limited appearance if there is disagreement about probable cause for a commitment.¹⁷ In Minnesota, a petition screening team (PST) must initiate an emergency detention. A third-party can appeal the PST decision or decide to file a petition for a court-ordered judicial hold.¹⁸ Tennessee has a similar law requiring a Mandatory Prescreening Agent (MPA) to certify an emergency detention.

¹⁶ The appeal must be decided within five days. See Engrossed Substitute Senate Bill 5269, Chapter 258, Laws of 2015.

¹⁷ Wisconsin Act 340
<http://docs.legis.wisconsin.gov/2013/related/lcactmemo/act340>

¹⁸ MINN. STAT. § 253B.

7. How long does an emergency detention or involuntary hospitalization last?

In 28 states, including Washington, mentally ill persons requiring treatment can be held for up to 72 hours (three days) while awaiting an initial court hearing. The length of this emergency detention is longer, however, in other states. A person may remain in emergency custody for seven days in Alabama, Nebraska, New Mexico, and North Dakota and up to ten days in Maryland, North Carolina, Rhode Island, and Utah. In New Jersey, a hearing can take place up to 20 days following an emergency detention.

At the initial hearing, the court may order a commitment for involuntary hospitalization and treatment. In Washington, this initial involuntary commitment may last for up to 14 days. Following that time, an extended 90-day treatment commitment may be ordered by the court. California and North Dakota have similar 14-day initial commitment periods.

States may not necessarily distinguish between an initial and extended commitment. A 90-day treatment commitment is common in many states. The initial order may last for up to six months (180 days) in eight different states. In Idaho, the initial commitment can last for up to one year. Connecticut law does not specify a length of time for the initial commitment but permits petitions for release and requires annual reviews to determine if commitment is still necessary.

8. Are there alternatives to court-ordered commitments to inpatient mental health facilities?

The United States Supreme Court ruled in the mid-1960s that an involuntary commitment must take place in the “least restrictive” treatment setting that would benefit the patient.¹⁹ Subsequent rulings affirmed the responsibility of the states to provide treatment in a community setting for non-dangerous psychiatric patients.²⁰ Consequently, all states have a requirement that a commitment order occur in the least restrictive treatment setting available.

Nearly all states, including Washington, include options for civil commitments to take place in an outpatient treatment setting, rather than in a hospital. Connecticut, Maryland, Massachusetts, and New Mexico are the four states that do not have any statutory provisions for outpatient commitments. In the remaining states, outpatient treatment may be ordered if community services are available and deemed by a court to be appropriate.

¹⁹ Lake v. Cameron, 364 F.2d 657 (1966).

²⁰ Lessard v. Schmidt 349 F. Supp. 1078 (E.D. Wis. 972) and Olmstead v. L.C., 527 U.S. 581 (1999).

9. What is assisted outpatient treatment? Who qualifies?

Legal commitments that occur on an outpatient basis are often referred to as assisted outpatient treatment (AOT). AOT orders require that an individual comply with a community-based treatment plan under the supervision of a designated treatment agency. The court-ordered treatment plan may include psychotherapy appointments, medication management and monitoring, and regular alcohol and drug testing.

Outpatient commitment orders are time-limited, but typically last longer than an inpatient commitment order. The criteria for outpatient commitment are generally the same as inpatient orders, but in some states, patients must meet additional requirements to receive an AOT order.

In Arizona and Kansas, for example, the court must find that an individual will not pose a danger to the community while subject to an outpatient treatment order. Outpatient commitment laws in certain states, such as Florida and Maine, state that community treatment is reserved for patients with a history of treatment noncompliance that may be at risk of relapsing without community supervision.

In Washington, the 2015 Legislature enacted a new commitment criterion for persons “in need of assisted outpatient treatment”.²¹ This standard permits a less restrictive, outpatient treatment order in lieu of an initial (72-hour) inpatient commitment if the individual meets specified criteria.²²

²¹ Engrossed Second Substitute House Bill 1450, Chapter 150, Laws of 2015.

²² RCW 71.05.020 and RCW 71.05.212.

10. How is compliance with outpatient orders determined?

An AOT order usually requires a designated person or agency take responsibility for providing treatment and oversight. Monitoring and enforcement of these orders, however, varies significantly between states. Our review found 41 of 46 states authorizing outpatient treatment include statutory provisions for monitoring or enforcement.²³ Information about the costs associated with supervising and enforcing AOT orders is limited. Small-scale studies have found that the non-compliance rate with these orders varies from 5%-20% of affected patients.²⁴

In most statutes, cases of non-compliance require the designated treatment agency or person to notify the court. The court may then issue an order for law enforcement to detain the person for an evaluation. State law in Alaska, Illinois, and South Dakota permit the treatment agency to make a direct request to law enforcement officers to take non-compliant individuals into custody. At a status hearing, the court could order modifications to the outpatient treatment plan or order an inpatient hospital commitment.

Washington State's new AOT law authorizes the DMHP and agency overseeing treatment to take a number of actions to enforce compliance with an AOT order.²⁵ These actions range include offering compliance incentives, increasing intensity of treatment, requesting a court review for modification, and having person transported for inpatient evaluation and assessment.

Exhibit 1

State Counts for Key Civil Commitment Criteria/Procedures

Civil commitment criterion	Number of states	Washington?
Grave disability criterion	46	Yes
Need for treatment criterion	23	Yes
Immediate danger for emergency detention	16	Yes
Third party filing for emergency detention	39	Yes
Third party filing for involuntary treatment	32	Yes
Outpatient commitment option	46	Yes
Statute for outpatient non-compliance	41	Yes

²³ Arkansas, Colorado, Delaware, Hawaii, and Rhode Island.

²⁴ A Guide for Implementing Assisted Outpatient Treatment, June 2012. Downloaded from <http://www.treatmentadvocacycenter.org/storage/document/s/aot-implementation-guide.pdf>

²⁵ Engrossed Second Substitute House Bill 1450, Chapter 150, Laws of 2015.



Technical Appendix

Involuntary Civil Commitments—Common Questions and Review of State Practices

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Appendix A. II.

State Inventory of Key Civil Commitment Criterion/Procedures

State	Commitment criterion		Third party filing		Outpatient treatment	
	Grave disability	Need for treatment	Emergency detention	Involuntary treatment	Commitment option	Non-compliance statute
Alabama				X	X	X
Alaska	X	X		X	X	X
Arizona	X	X	X		X	X
Arkansas	X	X	X	X	X	
California	X				X	X
Colorado	X		X		X	
Connecticut	X		X	X		
Delaware					X	
Florida	X		X		X	X
Georgia	X		X		X	X
Hawaii	X			X	X	
Idaho	X	X		X	X	X
Illinois	X	X	X	X	X	X
Indiana	X	X	X	X	X	X
Iowa	X		X	X	X	X
Kansas	X		X	X	X	X
Kentucky	X		X	X	X	X
Louisiana	X		X	X	X	X
Maine	X		X		X	X
Maryland			X	X		
Massachusetts	X					
Michigan	X	X	X	X	X	X
Minnesota	X	X	X	X	X	X
Mississippi	X	X	X	X	X	X
Missouri	X	X	X	X	X	X

Notes:

State inventory based on WSIPP review and interpretation of state civil commitment statutes as of May 2015. For additional information, please see Technical Appendix.

Appendix A. II. (Continued)
State Inventory of Key Civil Commitment Criterion/Procedures

State	Commitment criterion		Third party filing		Outpatient treatment	
	Grave disability	Need for treatment	Emergency detention	Involuntary treatment	Commitment option	Non-compliance statute
Montana	X	X			X	X
Nebraska	X				X	X
Nevada	X		X	X	X	X
New Hampshire	X	X	X	X	X	X
New Jersey	X			X	X	X
New Mexico	X					
New York			X		X	X
North Carolina	X	X	X		X	X
North Dakota	X	X	X	X	X	X
Ohio	X		X	X	X	X
Oklahoma	X	X	X		X	X
Oregon	X	X	X		X	X
Pennsylvania	X		X		X	X
Rhode Island	X		X		X	
South Carolina	X	X	X	X	X	X
South Dakota	X		X	X	X	X
Tennessee	X	X	X		X	X
Texas	X		X	X	X	X
Utah	X	X	X	X	X	X
Vermont	X	X	X	X	X	X
Virginia	X	X	X	X	X	X
Washington	X	X	X	X	X	X
West Virginia	X		X	X	X	X
Wisconsin	X	X	X	X	X	X
Wyoming	X		X	X	X	X

Notes: State inventory based on WSIPP review and interpretation of state civil commitment statutes as of May 2015. For additional information, please see Technical Appendix.

A. II. State Statutory Detail on Emergency Detention and Civil Commitments

Our review of each state statute on civil commitment is included in the following appendix. The review was conducted through an online search related to relevant documents for "civil commitment," "involuntary commitment," "involuntary treatment," and "involuntary hospitalization." We also carefully reviewed statutes available in each state (as of May 2015) and provide a statutory reference and online citation for each state.

In some cases, statutory language may be paraphrased or summarized for purposes of clarity and brevity. While the authors made every effort to provide a complete and accurate interpretation of these statutes, the information was not reviewed by state officials. For more detailed information about civil commitment process and procedures, readers may want to contact experts in a given state.

Alabama Civil Commitment Laws

Emergency detention	
Who may detain?	Law enforcement officer or assessment of community mental health officer
Third party involvement	No
Legal criteria	Mentally ill and poses an immediate danger to self or others
Maximum time held before hearing	7 days until probable cause hearing; 30 days until final hearing
Statute	ALA. CODE § 22-52-91(a); § 22-52-7(b); § 22-52-8
Treatment commitment	
Third party filing?	Yes
Legal criteria	(i) the respondent is mentally ill; (ii) as a result of the mental illness the respondent poses a real and present threat of substantial harm to self and/or others; (iii) the respondent will, if not treated, continue to suffer mental distress and will continue to experience deterioration of the ability to function independently; and (iv) the respondent is unable to make a rational and informed decision as to whether or not treatment for mental illness would be desirable.
...same as emergency criteria?	No
...grave disability?	No—"substantial harm to self and/or others"
...need for treatment?	No—criteria for inability to make treatment decisions, but this criteria must be accompanied by threat
Length of initial order	150 days
Length of renewal	State may petition for renewal within 30 days of previous order expiring (renewals cannot exceed one year)
Statute	ALA. CODE § 22-52-10.4; § 22-52-1.2; § 22-52-10.4(b)
Outpatient treatment (least restrictive alternatives)	
Circumstances	A respondent may be committed to outpatient treatment if the probate court finds, based upon clear and convincing evidence, that: (i) the respondent is mentally ill; (ii) as a result of the mental illness the respondent will, if not treated, continue to suffer mental distress and will continue to experience deterioration of the ability to function independently; and (iii) the respondent is unable to make a rational and informed decision as to whether or not treatment for mental illness would be desirable.
Procedure for non-compliance	The designated mental health facility shall immediately report to the probate court any material noncompliance with the outpatient treatment order. The report shall set forth the need for revocation of the outpatient treatment order and shall be verified and filed with the probate court.
Statute	ALA CODE § 22-52-10.4; § 22-52-10.2; § 22-52-10.3
Notes	If initial petition is denied, petitioning party must pay court costs

Online Statute: <http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/131567.htm>

Alaska Civil Commitment Laws

Emergency detention	
Who may detain?	Law enforcement officer, licensed psychiatrist, physician, or clinical psychologist
Third party involvement	No
Legal criteria	Mentally ill and gravely disabled or likely to cause serious harm to self or others (immediate nature of concern and safety precludes standard commitment procedure)
Maximum time held before hearing	72 hours until hearing (must be evaluated within 24 hours of detention)
Statute	ALASKA STAT 47.30.705; Sec. 47.30.715
Treatment commitment	
Third party filing?	Yes—judge must order screening investigation by mental health professional for 72 hour commitment
Legal criteria	Mentally ill and gravely disabled or likely to cause serious harm to self or others
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	30 days
Length of renewal	90 and 180 day hearings
Statute	ALASKA STAT 47.30.700; AS 47.30.705
Outpatient treatment (least restrictive alternatives)	
Circumstances	If the court finds that there is a viable less restrictive alternative available and that the respondent has been advised of and refused voluntary treatment through the alternative, the court may order the less restrictive alternative treatment for not more than 30 days if the program accepts the respondent.
Procedure for non-compliance	If during the commitment period the provider of outpatient care determines that the respondent can no longer be treated on an outpatient basis because the respondent is likely to cause harm to self or others or is gravely disabled, the provider shall give the respondent oral and written notice that the respondent must return to the treatment facility within 24 hours, with copies to the respondent's attorney and guardian, if any, the court, and the inpatient treatment facility. If the respondent fails to arrive at the treatment facility within 24 hours after receiving the notice, the professional person in charge may contact the appropriate peace officers who shall take the respondent into custody and transport the respondent to the facility. If it is determined by the professional person in charge to be necessary, a member of the treatment facility staff shall accompany the peace officers when they take the respondent into custody.
Statute	ALASKA STAT 47.30.915(9)(A/B); 47.30.735(D); 47.30.795©

Online Statute: <http://www.legis.state.ak.us/basis/statutes.asp#47.30.705>

Arizona Civil Commitment Laws

Emergency detention	
Who may detain?	Law enforcement officer based on assessment of danger or on approval of admitting official from the evaluation agency that emergency admission criteria are met
Third party involvement	Yes—any responsible individual can submit application for emergency admission for evaluation
Legal criteria	Person is, as a result of a mental disorder, a danger to self or others, and that during the time necessary to complete the prepetition screening, the person is likely without immediate hospitalization to suffer serious physical harm or serious illness or is likely to inflict serious physical harm upon another person
Maximum time held before hearing	Medical director shall file a petition for a court-ordered evaluation on same day or next of emergency admission (24 hours), the evaluation shall be completed in less than seventy-two hours
Statute	ARIZ REV STAT § 36-524-30
Treatment commitment	
Third party filing?	No—two independent medical evaluators must petition for court ordered treatment
Legal criteria	Patient, as a result of mental disorder, is a danger to self or to others, has a persistent or acute disability or a grave disability
...same as emergency criteria?	No
...grave disability?	Yes
...need for treatment?	Yes—Persistent or acute disability
Length of initial order	Maximum periods of inpatient treatment that the court may order 90 for a person found to be a danger to self; 180 for a person found to be a danger to others; 180 for a person found to have a persistent or acute disability; 365 for a person found to have a grave disability.
Length of renewal	Medical director reviews every 30 days and may petition for modification of order
Statute	ARIZ REV STAT § 36-531-533
Outpatient treatment (least restrictive alternatives)	
Circumstances	The court may order the proposed patient to undergo outpatient or combined inpatient and outpatient treatment if the court determines that all of the following apply: (a) the patient does not require continuous inpatient hospitalization, (b) the patient will be more appropriately treated in an outpatient treatment program or in a combined program, (c) the patient will follow a prescribed outpatient treatment plan, (d) the patient will not likely become dangerous or suffer more serious physical harm or serious illness or further deterioration if the patient follows a prescribed outpatient treatment plan.
Procedure for non-compliance	Court may amend order (without hearing) as a result of noncompliance. And, if the patient refuses to comply with an amended order for inpatient treatment, the court may authorize and direct a peace officer, on the request of the medical director, to take the patient into protective custody and transport the patient for inpatient treatment
Statute	ARIZ REV STAT § 36-501(31,32), 540
Notes	Responsible persons can submit an application for court ordered evaluation. On review of application, mental health agency may conduct a pre-petition screening, and may then file petition for court-ordered evaluation.

Online Statute: <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=36>

Arkansas Civil Commitment Laws

Emergency detention	
Who may detain?	Law enforcement may transport, based on petition for immediate detention (court issued) or emergency without a petition admission (non-working hours)
Third party involvement	Yes—any person having reason to believe that the person meets the criteria can submit emergency petition
Legal criteria	He or she is in such a mental condition as a result of mental illness, disease, or disorder that he or she poses a clear and present danger to himself or herself or others
Maximum time held before hearing	Ex parte hearing with petitioner held prior to detention or as soon as possible, initial hearing with detained in 72 hours
Statute	ACA § 20-47-207,210
Treatment commitment	
Third party filing?	Yes—any interested person who has witnessed the dangerous behavior can file petition
Legal criteria	Poses a clear and present danger to himself or herself as a result of mental illness. 1) attempted or threatened suicide or self-injury, 2) lacks the capacity to care for his or her own welfare that there is a reasonable probability of death or serious bodily injury, or debilitation, 3) previous treatment noncompliance and acts or threats of violence
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	Yes—but conditioned on previous treatment noncompliance and potential violence
Length of initial order	First order for seven days of evaluation. At second hearing, evaluation team testifies and may request order for 45 days based on treatment plan
Length of renewal	Subsequent hearings may order treatment periods of up to 180 days
Statute	ACA § 20-47-207-210
Outpatient treatment (least restrictive alternatives)	
Circumstances	The mental health treatments and conditions of treatment for the person named in the petition for involuntary admission shall be no more harsh, hazardous, or intrusive than necessary to achieve a successful treatment or objective for the person and shall involve no restrictions on physical movement or supervised, resident, outpatient, or inpatient care except as reasonably necessary for the administration of treatment for the protection of the person or others from physical injury.
Procedure for non-compliance	n/a
Statute	ACA § 20-47-207, 210, 218
Notes	Treatment team determines need for subsequent petitions after initial detention

Online Statute: <http://humanservices.arkansas.gov/dbhs/Documents/DBHS%20Website%20-%20Mental%20Health%20Commitment%2020-47-210.pdf>

California Civil Commitment Laws

Emergency detention	
Who may detain?	Law enforcement, attending staff, mobile crisis team members or other county designee
Third party involvement	No—staff at admitting facility determines if hold criteria are met
Legal criteria	When a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled
Maximum time held before hearing	72 hours treatment and evaluation period in designated facility
Statute	CALIF. WELF. & INST. CODE § 5150
Treatment commitment	
Third party filing?	No—psychiatrist must assess the person to see if they still meet criteria for hospitalization beyond 72 hour hold
Legal criteria	When a person, as a result of a mental health disorder, is a danger to others, or to himself or herself, or gravely disabled
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Hold for up to 14 days (5250 confinement petition). A review hearing (W&I 5256) must occur between two and four days before a judge or hearing officer to determine whether probable cause exists to support the 14 day hold.
Length of renewal	Additional 14-day (5260) for danger to self, 30 day (5270) for gravely disabled, or 180 day (5300) for danger to others
Statute	CALIF. WELF. & INST. CODE § 5250
Outpatient treatment (least restrictive alternatives)	
Circumstances	Assisted Outpatient Treatment (AOT) permitted via conservatorship process, or for previously hospitalized or jailed persons with mental illness, in those counties that have adopted CALIF. WELF. & INST. CODE § 5346 (Laura's Law)
Procedure for non-compliance	A licensed mental health treatment provider can request that one of certain designated classes of persons (peace officers, evaluation facility attending staff, members of mobile crisis teams, and other professional persons designated by the county) take a person under an AOT order to a hospital to be held for an up to 72-hour examination to determine if he or she meets the criteria for inpatient hospitalization. The treatment provider may only make such a request on determining that: 1) The person has failed or refused to comply with the court-ordered treatment, 2) Efforts were made to solicit compliance, and 3) The person may need involuntary admission to a hospital for evaluation.
Statute	CALIF. WELF. & INST. CODE § 5250
Notes	California's county-directed Assisted Outpatient Treatment (AOT) law is known as Laura's Law. Eight California counties have decided to implement Laura's Law to date.

Online Statute: <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wic&group=05001-06000&file=5150-5155>

Colorado Civil Commitment Laws

Emergency detention	
Who may detain?	"Intervening professionals" include certified peace officers, professional persons, registered professional nurses, licensed therapists; and licensed social workers
Third party involvement	Yes—citizens can petition court requesting evaluation
Legal criteria	The respondent appears to be mentally ill and, as a result of such mental illness, appears to be an imminent danger to others or to himself/herself or gravely disabled
Maximum time held before hearing	72 hour initial evaluation and treatment period
Statute	C.R.S. § 27-65-105 - 106
Treatment commitment	
Third party filing?	No—professional person on the staff of the evaluation facility must file
Legal criteria	The respondent appears to be mentally ill and, as a result of such mental illness, appears to be an imminent danger to others or to himself/herself or gravely disabled
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	No
Length of initial order	First order for short-term treatment may last up to 3 months (90 days)
Length of renewal	Treatment facility may seek extension for an additional 3 months (180 days total)
Statute	C.R.S. § 27-65-107
Outpatient treatment (least restrictive alternatives)	
Circumstances	An individual may request that an order for short-term treatment be completed on an outpatient basis. Court must review request within 10 days.
Procedure for non-compliance	n/a
Statute	C.R.S. § 27-65-102, 107, 109

Online Statute: <http://www.lexisnexis.com/hottopics/colorado>

Connecticut Civil Commitment Laws

Emergency detention	
Who may detain?	Police can take a person into custody and deliver him or her to hospital (1) following court warrant in response to application that person meets emergency commitment standard or (2) upon officer's reasonable belief that the person meets that standard
Third party involvement	Yes—Any person can make application to probate court, who may issue a warrant. Also, physicians, psychologists, and certain clinical social workers or advanced practice registered nurses can issue certificate for emergency confinement
Legal criteria	Person must have psychiatric disabilities and be (1) dangerous to self or others or (2) gravely disabled
Maximum time held before hearing	72 hour hold period, evaluation must occur within 24 hours
Statute	C.G.S. § 17a-502(a)
Treatment commitment	
Third party filing?	Yes
Legal criteria	Person must have psychiatric disabilities and be (1) dangerous to self or others or (2) gravely disabled. Two court-appointed physicians would examine person within 10-days of application if not emergency
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Indeterminate—commitment period set by court as long as criteria met. Person can apply for release and receive hearing any time.
Length of renewal	New psychiatric evaluations must occur every year, full hearing required every two years
Statute	C.G.S. § 17a-498
Outpatient treatment (least restrictive alternatives)	
Circumstances	Does not authorize
Procedure for non-compliance	n/a
Statute	C.G.S. § 17a-498

Online Statute: http://www.cga.ct.gov/current/pub/chap_319i.htm

Delaware Civil Commitment Laws

Emergency detention	
Who may detain?	Upon the observation by a peace officer or a credentialed mental health screener or juvenile mental health screener ... such person with an apparent mental condition shall be promptly taken into custody for the purpose of an emergency detention by any peace officer in the State without the necessity of a warrant
Third party involvement	No—but may notify and request assistance from peace officer or mental health screener
Legal criteria	An adult who appears to have a mental condition, and whose mental condition causes the person to be dangerous to self or dangerous to others, and who is unwilling to be admitted to a facility voluntarily for assessment or care
Maximum time held before hearing	24 hours for emergency detention, can be extended 48 hours (provisional admission) with psychiatrists approval (and still meets criteria)
Statute	DEL COD ANN 16 § 5004
Treatment commitment	
Third party filing?	No—treating hospital must petition
Legal criteria	The individual is a person with a mental condition; and based upon manifest indications, the individual is dangerous to self; or dangerous to others; all less restrictive alternatives have been considered and determined to be clinically inappropriate at the time of the hearing; and the individual has declined voluntarily inpatient treatment, or lacks the capacity to knowingly and voluntarily consent to inpatient treatment
...same as emergency criteria?	No
...grave disability?	No
...need for treatment?	No
Length of initial order	Shall not exceed 3 months
Length of renewal	Review every three months
Statute	DEL COD ANN 16 § 5011
Outpatient treatment (least restrictive alternatives)	
Circumstances	At provisional admission and commitment stage, less restrictive alternatives must be considered first and determined to be clinically inappropriate. If the court determines that an individual meets the criteria for involuntary outpatient treatment, the court shall enter an order of disposition which shall not exceed 3 months. The Department is responsible for ensuring the provision of all necessary services and supports to fully implement the court order.
Procedure for non-compliance	n/a
Statute	DEL COD ANN 16 § 5013

Online Statute: <http://delcode.delaware.gov/title16/c050/index.shtml>

Florida Civil Commitment Laws

Emergency detention	
Who may detain?	Law enforcement officers, physician, clinical psychologist, psychiatric nurse, or clinical social worker
Third party involvement	Yes—a circuit court may enter an ex parte order, based upon sworn testimony;
Legal criteria	Person has a mental illness and because of the mental illness person is likely to suffer from self-neglect or harm self or others
Maximum time held before hearing	Examination within 24 hours, petition or release within 72 hours
Statute	FLA STAT § 394.463
Treatment commitment	
Third party filing?	No—any person may petition court for involuntary (24 hour) investigation, only treating facility may petition for involuntary inpatient treatment
Legal criteria	Person has a mental illness and because of the mental illness person is likely to suffer from self-neglect or harm self or others, person refuses or is unable to determine examination is necessary
...same as emergency criteria?	Yes
...grave disability?	Yes (exception for those with "willing and responsible" family or friends to assist)
...need for treatment?	No
Length of initial order	Up to 6 months
Length of renewal	6 months or less for continued placement order
Statute	FLA STAT § 394.467
Outpatient treatment (least restrictive alternatives)	
Circumstances	Inpatient placement may only be ordered if all available less restrictive treatment alternatives are judged to be inappropriate. Additional criteria for involuntary outpatient placement include history of non-compliance, previous hospitalizations or violent behavior (toward self or others), and likelihood of benefit. Petition for outpatient treatment made by clinic administrator.
Procedure for non-compliance	If physician determines there is non-compliance with treatment order, may petition for person to be transported to receiving facility for examination (if involuntary criteria met) and modifications can be made to treatment plan
Statute	FLA STAT § 394.4655
Notes	Florida's Baker Act provides for involuntary inpatient placement on the certified opinions of two psychiatrists (or psychiatrist and psychologist). At least one of these individuals must testify at the preliminary hearing

Online Statute: http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=Ch0394/SEC463.HTM&Title=->2000->Ch0394->Section%20463#0394.463

Georgia Civil Commitment Laws

Emergency detention	
Who may detain?	Law enforcement officer (acting on certificate) may take person to nearest emergency receiving facility for examination
Third party involvement	Yes—certificate authorizing transport can be issued by 1) physician, psychologist, social worker, professional counselor or clinical nurse specialist or 2) court order based on affidavits from two professionals above (third party may file)
Legal criteria	Must be mentally ill and present a substantial risk of imminent harm to self or others or be so unable to care for physical health and safety so as to create an imminently life-endangering crisis and in need of involuntary treatment
Maximum time held before hearing	Up to five days—must receive examination by physician within 48 hours, chief medical officer has up to 72 hours to begin proceeding for involuntary treatment.
Statute	OCGA § 37-3-41, 37-3-64
Treatment commitment	
Third party filing?	No—medical officer at the evaluation facility must file a petition for involuntary treatment (supported by two other professionals)
Legal criteria	Must be mentally ill AND present a substantial risk of imminent harm to self or others OR be so unable to care for physical health and safety so as to create an imminently life-endangering crisis and in need of involuntary treatment
...same as emergency criteria?	Yes
...grave disability?	Yes—but failure to care for self must include life-endangering crisis
...need for treatment?	No
Length of initial order	Initial period for up to 6 months
Length of renewal	Up to an additional 12 months
Statute	O.C.G.A. § 37-3-81.1
Outpatient treatment (least restrictive alternatives)	
Circumstances	Petitioning medical officer may determine if involuntary outpatient treatment is appropriate. Referring facility must prepare an individualized service plan for the patient in consultation with receiving facility.
Procedure for non-compliance	Hearing regarding compliance with individualized service plan held within 30 days. At hearing, outpatient treatment plan can be ordered for up to one year, with reviews scheduled at regular intervals
Statute	§ 37-3-83, 93

Online Statute: <http://www.lexisnexis.com/hottopics/gacode/Default.asp>

Hawaii Civil Commitment Laws

Emergency detention	
Who may detain?	Police will transfer individual to hospital emergency room on court order for psychiatric examination. After business hours, requests are called into common access line and judge paged for an oral ex-parte order.
Third party involvement	No—a licensed physician, psychologist, attorney, member of clergy, health or social services professional or any state/county employee may ask for ex parte order asking for emergency psychiatric examination.
Legal criteria	The person is mentally ill or suffering from substance abuse and is imminently dangerous to self or others, is gravely disabled or is obviously ill <i>and</i> the person is in need of care or treatment. There is no suitable alternative available through existing facilities and programs which would be less restrictive than hospitalization
Maximum time held before hearing	48 hour emergency commitment - followed by five day hold in hospital for evaluation prior to formal commitment proceeding
Statute	HRS § 334-59
Treatment commitment	
Third party filing?	Yes—Any person may file a petition alleging that a person located in the county meets the criteria for commitment to a psychiatric facility (note emergency petition has different requirements)
Legal criteria	The person is mentally ill or suffering from substance abuse and is imminently dangerous to self or others, is gravely disabled or is obviously ill <i>and</i> the person is in need of care or treatment. There is no suitable alternative available through existing facilities and programs which would be less restrictive than hospitalization
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Not to exceed 90 days
Length of renewal	Recommitment for up to 180 days
Statute	HRS §334-60.5
Outpatient treatment (least restrictive alternatives)	
Circumstances	Suitable alternative available through existing facilities and programs which would be less restrictive than hospitalization
Procedure for non-compliance	n/a
Statute	HRS §334-60.6

Online Statute: http://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0334/HRS_0334-0001.htm

Idaho Civil Commitment Laws

Emergency detention	
Who may detain?	Police or doctor hold—transported by peace officer
Third party involvement	No—peace officer or physician medical staff member may take into custody persons who meet criteria - designated examiners include psychiatrist, psychologist, psychiatric nurse or social worker
Legal criteria	Person is gravely disabled due to mental illness or the person's continued liberty poses an imminent danger to that person or others, as evidenced by a threat of substantial physical harm
Maximum time held before hearing	Court must authorize detention within 24 hours of being taken to facility. In second 24 hour period, court must issue temporary custody order for examination. Examination must take place within 24 hours of temporary order, and results reported back to court within 24 hours of examination.
Statute	IDAHO CODE § 66-326
Treatment commitment	
Third party filing?	Yes—certificate by designated examiner must accompany petition by a friend, relative, spouse or guardian of the proposed patient; by a licensed physician; by a physician's assistant or advanced practice registered nurse practicing in a hospital; by a prosecuting attorney or other public official of a municipality, county, or of the state of ID; or by the director of any facility in which the patient is being cared for.
Legal criteria	Examination within last 14 days found person is mentally ill; likely to injure himself or others or is gravely disabled due to mental illness; and lacks capacity to make informed decisions about treatment
...same as emergency criteria?	No
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	Indeterminate period of time not to exceed one (1) year
Length of renewal	n/a
Statute	IDAHO CODE § 66-329
Outpatient treatment (least restrictive alternatives)	
Circumstances	Outpatient treatment order may be developed that is reasonably designed to... maintain or prevent deterioration of the person's physical, mental or emotional functioning
Procedure for non-compliance	If director of the outpatient facility, the treating physician, or the department director determines that the patient is failing to adhere to the terms and conditions of outpatient treatment or the patient refuses outpatient treatment after reasonable efforts at compliance have been made, then the person may be transferred to least restrictive available facility, and court must be notified within 48 hours of transfer.
Statute	IDAHO CODE § 66-317
Notes	A 30 day abeyance may be agreed upon by all parties to avoid commitment

Online Statute: <http://legislature.idaho.gov/idstat/Title66/T66CH3SECT66-326.htm>

Illinois Civil Commitment Laws

Emergency detention	
Who may detain?	1) Police may detain respondent directly if there are grounds to believe that it is necessary to protect individual or others from physical harm. 2) Any person over 18 may petition court in county of respondent's residence. 3) Doctor or psychiatrist may examine respondent and certify need for treatment.
Third party involvement	Yes—any person 18 or over may request a court order for detention and examination to have eligible individuals immediately hospitalized for evaluation. Psychiatrist must certify need for continued treatment and detention following initial 24-hour evaluation.
Legal criteria	Because of mental illness, subject: 1) would place self or another in physical harm; or 2) is unable to provide for his or her basic physical needs without the assistance of family or others. If not treated on an inpatient basis, subject is reasonably expected, based on his or her behavioral history, to suffer mental or emotional deterioration and is reasonably expected, after such deterioration, to meet the dangerousness criteria.
Maximum time held before hearing	Evaluation must occur within 24 hours and medical personnel may file petition after deciding if individual meets criteria. Hearing held within five days of receiving petition.
Statute	405 ILL. COMP. STAT. § 5/3-600
Treatment commitment	
Third party filing?	Yes—if petition includes certificate completed by physician, qualified examiner, or clinical psychologist that indicates person has been examined in last 72 hours and meets criteria
Legal criteria	Because of mental illness, subject: 1) would place self or another in physical harm; or 2) is unable to provide for his or her basic physical needs without the assistance of family or others. If not treated on an inpatient basis, subject is reasonably expected, based on his or her behavioral history, to suffer mental or emotional deterioration and is reasonably expected, after such deterioration, to meet the dangerousness criteria
...same as emergency criteria?	Yes—third party petition must show emergency necessitates immediate hospitalization
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	Up to 90 days
Length of renewal	180 days (after second 90 day order)
Statute	405 ILCS 5/1-119
Outpatient treatment (least restrictive alternatives)	
Circumstances	Must meet same criteria as inpatient commitment, but both parties may enter agreed order for outpatient treatment, or judge may decide on "least restrictive" setting
Procedure for non-compliance	Court will assign custodian to monitor patient's compliance with order - both custodian and respondent must indicate agreement. Custodian may request transport back to hospital for non-compliance.
Statute	405 ILCS 5/Ch
Notes	Petition must include witnesses, record of behavior and a disclosure of personal interests of petitioner. Petitioner must include certificate or demonstrate diligent effort to obtain certificate of examination.

Online Statute:

<http://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=040500050HCh%2E+III+Art%2E+VII&ActID=1496&ChapterID=34&SeqStart=12900000&SeqEnd=13750000>

Indiana Civil Commitment Laws

Emergency detention	
Who may detain?	Law enforcement (or crisis intervention team) officer may detain individual for immediate detention if reasonable grounds exist that criteria met. An emergency detention may also be initiated by written application to court with physician evaluation or statement that individual may meet criteria
Third party involvement	Yes—petition may be filed by friend, relative, spouse, guardian of individual or health, law enforcement officer, prosecuting attorney or facility superintendent
Legal criteria	Person suffers from a mental illness and, due to the mental illness is dangerous and/or gravely disabled
Maximum time held before hearing	Immediate detention initiated by law enforcement may not exceed 24 hours; emergency detention may not last more than 72 hours
Statute	IND. CODE ANN. § 12-26-4; IC 12-26-7-2
Treatment commitment	
Third party filing?	Yes—Any person over 18, but petition usually completed by staff of treatment facility. Physician must have examined the individual within the past 30 days and attest criteria are met
Legal criteria	Person suffers from a mental illness and, due to the mental illness is dangerous and/or gravely disabled—grave disability may include obvious deterioration of his or her judgment, reasoning or behavior that results in the individual's inability to function independently
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	Temporary commitment for a period of up to 90 days
Length of renewal	Second temporary commitment (90 days) may be ordered. Then, a regular indefinite commitment can be ordered that must be reviewed annually.
Statute	IND. CODE ANN. § 12-26-6-1; 12-27-2-3
Outpatient treatment (least restrictive alternatives)	
Circumstances	Timelines are same as an in-patient commitment order, but court may impose restrictions and requirements on individual living in community. Individual must be "likely to benefit from an outpatient therapy program that is designed to decrease the individual's dangerousness or disability."
Procedure for non-compliance	A staff member of a program involved in the treatment, supervision, or care of an individual must immediately notify the court of the failure to comply with an outpatient order. The court may then reopen the original commitment proceeding, and order inpatient treatment or alternative restrictions.
Statute	IND. CODE ANN. § IC 12-26-14
Notes	Hearing must be scheduled within 2 days of receiving examination report from emergency detention. Process may include a two stage process with a preliminary (probable cause) and final (commitment) hearing.

Online Statute: <https://iga.in.gov/legislative/laws/2014/ic/titles/012/articles/026/chapters/004/>

Iowa Civil Commitment Laws

Emergency detention	
Who may detain?	If peace officer has reasonable grounds to believe person meets criteria and is likely to physically injure self or others, individual may be detained for an emergency hospitalization. Judge may also order immediate custody by law enforcement officer if respondent is likely to injure themselves or other person.
Third party involvement	Yes—any interested person can submit an application accompanied by: a written statement of a licensed physician in support of the application; or one or more supporting affidavits otherwise corroborating the application.
Legal criteria	Because of mental illness, person is 1) likely to physically injure the person's self or others if allowed to remain at liberty without treatment. 2) Is likely to inflict serious emotional injury on members of the person's family or others who lack reasonable opportunity to avoid contact with the person with mental illness if the person with mental illness is allowed to remain at liberty without treatment. 3) Is unable to satisfy the person's needs for nourishment, clothing, essential medical care, or shelter so that it is likely that the person will suffer physical injury, physical debilitation, or death.
Maximum time held before hearing	A hospitalization hearing shall take place within five days of the initial court order. The hearing may not take place within the first 48 hours of detention, which are reserved for psychiatric evaluation.
Statute	IOWA CODE §§ 229.11(1), 229.22, 229.1(17); 229.6
Treatment commitment	
Third party filing?	Yes—all interested persons may file notarized application alleging serious mental impairment and danger to self or others
Legal criteria	Because of mental illness, person is danger to himself or herself or others or may be causing serious emotional injury to persons who are unable to remove themselves from respondents' presence, or person is unable to satisfy needs for nourishment, clothing, essential medical care, or shelter so that it is likely that the person will suffer physical injury, physical debilitation, or death.
...same as emergency criteria?	No—likely to injure language included in emergency detention
...grave disability?	Yes
...need for treatment?	No
Length of initial order	No maximum commitment length indicated, regular psychiatric evaluation reports required every 90 days to determine that respondent meets criteria.
Length of renewal	Ongoing every 90 days criteria are met
Statute	IOWA CODE §§ 229.1; 229.9
Outpatient treatment (least restrictive alternatives)	
Circumstances	At hospitalization hearing, respondent may be ordered to undergo outpatient treatment, to cooperate with the treatment provider and comply with the course of treatment.
Procedure for non-compliance	The treatment provider must agree to placement and file periodic reports with the court (each 90 days). If patient fails or refuses to submit to treatment as ordered by the court, the medical director shall notify the court.
Statute	IOWA CODE §§ 229.15

Online Statute: <http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=IowaCode&input=229#229.11>

Kansas Civil Commitment Laws

Emergency detention	
Who may detain?	Officer that has reasonable belief formed upon investigation that a person is a mentally ill person and because of such person's mental illness is likely to cause harm to self or others if allowed to remain at liberty may take the person into custody without a warrant for emergency observation. Any individual may also petition for ex-parte emergency order which if granted would permit law enforcement transport.
Third party involvement	Yes—no restrictions on who may file emergency order or temporary custody order. Petition should include a signed certificate from a physician, psychologist, or qualified mental health professional (or verification that evaluation was attempted).
Legal criteria	A mentally ill person, who also lacks capacity to make an informed decision concerning treatment, is likely to cause harm to self or others, and whose diagnosis is not solely from list of conditions that are generally considered non-responsive to psychiatric treatment
Maximum time held before hearing	Person transported by law enforcement must be examined within 17 hours. An ex-parte emergency order or temporary custody order expires after two business days.
Statute	KAN. STAT. ANN. § 59-2953; 59-2946(f)(1); 59-2957
Treatment commitment	
Third party filing?	Yes—no restrictions on filing
Legal criteria	Evaluation by physician or psychologist must find the person likely to be a mentally ill and because of the mental illness, likely to cause harm to self or others if allowed to remain at liberty
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Initial order for inpatient treatment may not exceed three months
Length of renewal	A second 3 month order may be entered—after the first 180 days of treatment, subsequent orders of six months may be entered
Statute	KAN. STAT. ANN. § 59-2953
Outpatient treatment (least restrictive alternatives)	
Circumstances	An order for outpatient treatment may be entered by the court at any time if ... the court finds that the patient is likely to comply with an outpatient treatment order and that the patient will not likely be a danger to the community or be likely to cause harm to self or others while subject to an outpatient treatment order.
Procedure for non-compliance	The treatment facility shall immediately report to the court any material noncompliance by the patient with the outpatient treatment order. If the court finds by clear and convincing evidence that the patient violated any condition of the outpatient treatment order, the court may enter an order for inpatient treatment... or may modify the order for outpatient treatment with different terms and conditions
Statute	KAN. STAT. ANN. § 59-2953; 59-2967; 59-2969
Notes	Subjects refusing evaluation may request probable cause hearing.

Online Statute: http://kansasstatutes.lesterama.org/Chapter_59/Article_29/59-2953.html

Kentucky Civil Commitment Laws

Emergency detention	
Who may detain?	A peace officer that believes a person meet criteria for emergency detention may take that person into custody without a warrant for an emergency evaluation at a hospital. "Any interested person" may file for a Mental Inquest Warrant (MIW) to have respondent evaluated by a mental health professional.
Third party involvement	Yes—petition may be filed by qualified mental health professional, peace officer, county attorney, Commonwealth's attorney, spouse, relative, friend, or guardian of the individual concerning whom the petition is filed, or any other interested person
Legal criteria	Individual is mentally ill and presents a danger or threat of danger to self, family, or others if not restrained
Maximum time held before hearing	Evaluation must be completed by authorized physician within 24 hours of admission. Court must order commitment during 72-hour emergency evaluation period.
Statute	KY. REV STAT. ANN. § 202A
Treatment commitment	
Third party filing?	Yes—any interested person may file for evaluation by two qualified mental health professionals. Court uses evaluation to determine probable cause for involuntary hospitalization.
Legal criteria	Mentally ill person who: 1) presents a danger or threat of danger to self, family or others as a result of the mental illness; 2) can reasonably benefit from treatment; and 3) hospitalization is the least restrictive alternative mode of treatment presently available.
...same as emergency criteria?	No—commitment requires assessment of treatment benefit
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Varies—up to 60 days
Length of renewal	60 day renewal—once individual is committed for 6 months, petitioner may seek 360-day commitment order
Statute	KY. REV STAT. ANN. § 202A
Outpatient treatment (least restrictive alternatives)	
Circumstances	Following preliminary hearing, but prior to final hearing, court may order release for community-based outpatient treatment order.
Procedure for non-compliance	An outpatient order requires a provider to accept responsibility for outpatient treatment, but there is no requirement for treatment plan to be entered in court. Person may be released prior to the final hearing on an outpatient order. However, respondent may be detained for non-compliance if affidavit filed by provider.
Statute	KY. REV STAT. ANN. § 202A.11
Notes	Preliminary hearing date set within 6 days from evaluation. If involuntary hospitalization ordered, a final hearing occurs within 21 days to determine if involuntary hospitalization (up to 60 days) should continue.

Online Statute: <http://www.lrc.ky.gov/statutes/statute.aspx?id=7448>

Louisiana Civil Commitment Laws

Emergency detention	
Who may detain?	A peace officer who believes person meets criteria for emergency evaluation may take individual into custody and transport them to hospital or psychiatric facility for evaluation. Any physician or mental health professional may execute an emergency certificate after an examination of a person who meets criteria for detention and is in need of immediate care. An emergency certificate provides legal authority to transport.
Third party involvement	Yes—any credible person of legal age may request examination and emergency certificate
Legal criteria	Person is mentally ill or suffering from substance abuse and in need of immediate care and treatment because he/she is 1) dangerous to himself/herself, 2) dangerous to others, 3) gravely disabled and unwilling or unable to seek voluntary admission
Maximum time held before hearing	Person may be held on emergency certificate for up to 15 days. Detained person has a right to judicial hearing to contest emergency certificate and this hearing must take place within five days of request (filing).
Statute	LA. REV. STAT. ANN. § 28:53
Treatment commitment	
Third party filing?	Yes—any person of legal age may file petition for judicial commitment. State statute includes provision for admission by relative for a period not to exceed 28 days
Legal criteria	Person is mentally ill or suffering from substance abuse and in need of immediate care and treatment because he/she is 1) dangerous to himself/herself, 2) dangerous to others, 3) gravely disabled and unwilling or unable to seek voluntary admission
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Initial outpatient order for 6 months Emergency certificate inpatient evaluation—15 days; commitment 180 days or less
Length of renewal	Outpatient—one year after four, six month treatments Inpatient—commitments renewed every 180 days
Statute	LA. REV. STAT. ANN. § 28:54
Outpatient treatment (least restrictive alternatives)	
Circumstances	Outpatient treatment petition may be filed if patient is unlikely to survive in community without supervision, and has a history of treatment noncompliance which has led to either repeated psychiatric hospitalizations or prior violent acts in the last three years
Procedure for non-compliance	provider responsible for the treatment plan may execute an emergency certificate, request an order for custody, or seek a judicial commitment as a result of failure to comply with involuntary outpatient treatment
Statute	LA. REV. STAT. ANN. § 28:66 LA. REV. STAT. ANN. § 28:75
Notes	Three types of involuntary admissions: 1) Physician Emergency Certificate, 2) Order of Protective Custody, and 3) Coroner Emergency Certificate

Online Statute: <http://legis.la.gov/Legis/Law.aspx?d=85245>

Maine Civil Commitment Laws

Emergency detention	
Who may detain?	A health officer, law enforcement officer or other person may request an emergency examination for person meeting involuntary admission criteria ("blue paper" request).
Third party involvement	Yes—any person may request that person receive evaluation by certified examiner
Legal criteria	Applicant must attest that person is mentally ill, and because of this mental illness the person poses a likelihood of serious harm. A certifying exam determines the type and risk of harm posed.
Maximum time held before hearing	Examination must take place within 24 hours of involuntary admission and court application (called "white paper"). Results must be filed within three days of admission.
Statute	ME. REV. STAT. ANN. Tit 34-B § 3862
Treatment commitment	
Third party filing?	No—while any person may initiate an emergency admission, a licensed practitioner must certify criteria are met and judicial officer attests that application is complete
Legal criteria	Whether the person is a mentally ill person and poses a likelihood of serious harm to self or others. Harm to self includes inability to avoid risk or to protect oneself from impairment or injury (grave disability).
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Up to four months for initial inpatient commitment 120 days or until end of commitment for initial outpatient treatment plan
Length of renewal	Person may be recommitted for a period of up to 12 months
Statute	ME. REV. STAT. ANN. Tit 34-B § 3864
Outpatient treatment (least restrictive alternatives)	
Circumstances	Findings may support involuntary outpatient services if person 1) lacks capacity to make informed treatment decision, 2) is unwilling to comply with recommended treatment, 3) there is a need for treatment, 4) the need for treatment outweighs risks
Procedure for non-compliance	Patients with severe and persistent mental illness may have progressive treatment plan entered with court. Failure to comply with this plan may be documented by medical practitioner and included in a notification to court. The court may subsequently order law enforcement to initiate emergency hospitalization or protective custody.
Statute	ME. REV. STAT. ANN. Tit 34-B § 3864(7A), 3873
Notes	If application for court commitment is submitted, patient may request independent examination by two appointed professionals (patient or attorney may choose one).

Online Statute: <http://www.mainelegislature.org/legis/statutes/34-B/title34-Bsec3861.html>

Maryland Civil Commitment Laws

Emergency detention	
Who may detain?	Any person may petition court for individual to be taken to emergency room for physician examination. The court holds an ex-parte hearing which may authorize law enforcement to pick up and transport individual. Law enforcement officers may initiate a transport without judicial approval if they believe person meets criteria.
Third party involvement	Yes—any person with legitimate interest in welfare of individual
Legal criteria	Probable cause that person has a mental disorder; and the individual presents a danger to the life or safety of the individual or of others
Maximum time held before hearing	Examination must occur within first six hours after person brought to emergency room. Individual must be discharged within 30 hours unless he/she agrees to voluntary admission or is certified by two physicians as meeting criteria for involuntary admission. Hearing for involuntary commitment must take place within 10 days of admission.
Statute	MD. CODE ANN., HEALTH-GEN § 10-622
Treatment commitment	
Third party filing?	Yes—any person may file directly for involuntary commitment if petition accompanied by certificate from a physician and psychologist or two physicians
Legal criteria	Person has a mental disorder; and the individual presents a danger to the life or safety of the individual or of others and is unable or unwilling to be admitted voluntarily
...same as emergency criteria?	Yes
...grave disability?	No
...need for treatment?	No
Length of initial order	Inpatient commitments—hearing takes place no sooner than five months and no later than six months following involuntary admission
Length of renewal	Semi-annual
Statute	MD. CODE ANN., HEALTH-GEN §10-617
Outpatient treatment (least restrictive alternatives)	
Circumstances	Does not authorize—inpatient commitment criteria requires that there is no option for less restrictive form of intervention that is consistent with the welfare and safety of the individual. However, outpatient criteria not established in statute.
Procedure for non-compliance	n/a
Statute	MD. CODE ANN., HEALTH-GEN §10-626
Notes	Individuals over age 65 must be evaluated by specialized geriatric team

Online Statute: <http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=ghg§ion=10-622&ext=html&session=2015RS&tab=subject5>

Massachusetts Civil Commitment Laws

Emergency detention	
Who may detain?	A physician, psychiatric nurse, psychologist, licensed clinical social worker, or policer officer may submit "Application for an authorization of temporary involuntary hospitalization" to state Department of Mental Health which permits transport to hospital for evaluation.
Third party involvement	No—application limited to physician, psychiatric nurse, psychologist, licensed clinical social worker, or policer officer
Legal criteria	Failure to hospitalize would create a likelihood of serious harm by reason of mental illness
Maximum time held before hearing	A physician evaluation must occur within two hours of arriving at psychiatric facility. Individual can be held for up to three business days prior to court hearing.
Statute	MASS. GEN. LAWS ch 123, § 12
Treatment commitment	
Third party filing?	No—after initial (72 hour) commitment, only hospital may petition court for involuntary treatment order
Legal criteria	Individual poses a present danger to self or others by virtue of a mental illness and no less restrictive alternative is appropriate or available
...same as emergency criteria?	Yes
...grave disability?	Yes—unable to protect self from very substantial risk of physical impairment or injury
...need for treatment?	No
Length of initial order	First inpatient order of commitment valid for a period of six months. Discharge may occur if hospital determines person no longer needs treatment.
Length of renewal	Subsequent commitments valid for one year
Statute	MASS. GEN. LAWS ch 123, § 7
Outpatient treatment (least restrictive alternatives)	
Circumstances	Does not authorize
Procedure for non-compliance	n/a
Statute	MASS. GEN. LAWS ch 123, § 8
Notes	Person may elect to be placed on 'conditional voluntary' status which permits patient to leave in three days if hospital does not petition for commitment.

Online Statute: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter123/Section12>

Michigan Civil Commitment Laws

Emergency detention	
Who may detain?	Law enforcement officer may act on reasonable belief that person requires treatment and take into protective custody. Any individual may also complete petition for hospitalization. If doctor evaluates person and completes clinical certificate, person may be detained by law enforcement within 72 hours (court hearing not required).
Third party involvement	Yes—any individual 18 years of age or over may file with the court a petition that asserts that an individual is a person requiring treatment.
Legal criteria	Person must have mental illness and require treatment as evidenced by: 1) likelihood to seriously harm himself/herself or another person, or 2) inability to attend to his/her basic physical needs, or 3) inability to understand need for treatment which may result in significant physical harm to self/others
Maximum time held before hearing	Within 72 hours of admission, patient must receive treatment plan. If patient agrees, can be accepted as voluntary. If not, hospital notifies court and hearing held within seven days from date petition filed.
Statute	MICH. COMP. LAWS § 330.1423-330.1434
Treatment commitment	
Third party filing?	Yes—any adult may file petition for hospitalization, but clinical certificate necessary for detention beyond 24 hours.
Legal criteria	Person must have mental illness and require treatment as evidenced by: 1) likelihood to seriously harm himself/herself or another person, or 2) inability to attend to his/her basic physical needs, or 3) inability to understand need for treatment which may result in significant physical harm to self/others
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	Yes—behavior must be expected to result in serious physical harm
Length of initial order	First order for 60 days of inpatient care (max) and/or 90 days combined inpatient and outpatient treatment, or 180 outpatient treatment
Length of renewal	Second order—90 days inpatient (max) or one year outpatient treatment (continuing orders for one year thereafter)
Statute	MICH. COMP. LAWS § 330.1433-330.1439
Outpatient treatment (least restrictive alternatives)	
Circumstances	At hearing, judge has option of ordering combination of inpatient and outpatient treatment. If judge determines treatment program is available and adequate to meet the individual's treatment needs, an outpatient commitment order may be entered.
Procedure for non-compliance	The order may provide that if an individual refuses to comply with a psychiatrist's order to return to the hospital, a peace officer shall take the individual into protective custody and transport the individual to the hospital selected.
Statute	MICH. COMP. LAWS § 330.1469-72

Online Statute: <http://legislature.mi.gov/doc.aspx?mcl-258-1974-4-ADMISSION-BY-MEDICAL-CERTIFICATION>

Minnesota Civil Commitment Laws

Emergency detention	
Who may detain?	The commitment process can be started by either obtaining an emergency hold or by contacting the local mental health agency to begin a prepetition screening. An emergency hold may be initiated by a physician/psychologist, peace/health officer or court.
Third party involvement	Yes—third party may not issue emergency hold. However, third parties may request prepetition screening. If the screening team does not recommend commitment, the requesting party may appeal, or file a petition independently.
Legal criteria	Person is mentally ill or developmentally disabled and in danger of injuring self or others if not immediately detained. An examiner may also admit person for emergency hold if same criteria apply and examination has occurred in last 15 days.
Maximum time held before hearing	Medical examination must take place within 48 hours of confinement. Preliminary hearing must take place within 72 hours of being placed on judicial or emergency hold. Commitment hearing takes place within 14 days of petition filing.
Statute	MINN. STAT. § 253B
Treatment commitment	
Third party filing?	Yes—any interested person may file. Members of pre-petition screening team may not file. Recommendations from this team are provided to county attorney.
Legal criteria	Person is mentally ill and poses a substantial likelihood of physical harm to self or others as demonstrated by a failure or inability to obtain necessary ... care and it is more probable than not that the person will 1) suffer substantial harm, significant psychiatric deterioration or debilitation, or serious illness, unless appropriate treatment and services are provided or 2) attempt or threat to physically harm self, other or property
...same as emergency criteria?	No—emergency hold criteria includes danger of injuring self or others
...grave disability?	Yes
...need for treatment?	Yes—a recently enacted <i>court-ordered early intervention</i> provides for a less-restrictive and shorter commitment based on need for treatment
Length of initial order	Initial commitment cannot last more than six months (a case manager or treating physician may release patients prior to this time on a provisional discharge)
Length of renewal	Case manager may recommend extension for commitment of up to 12 months.
Statute	MINN. STAT. § 253B
Outpatient treatment (least restrictive alternatives)	
Circumstances	A continuance/stay can occur for up to six months if patient complies with community treatment plan. Alternate treatment plans can be renewed for an additional 12 months.
Procedure for non-compliance	A case manager is assigned to patient to report on progress of treatment plan. If individual substantially fails to comply with treatment provisions, a commitment to more restrictive setting can be ordered.
Statute	MINN. STAT. § 253B
Notes	The preliminary hearing occurs prior to commitment hearing to determine if a settlement (i.e. stayed commitment order) can be reached for an agreed outpatient treatment plan.

Online Statute: <https://www.revisor.mn.gov/statutes/?id=253b>

Mississippi Civil Commitment Laws

Emergency detention	
Who may detain?	Affidavit may be filed which alleges a person meets commitment criteria. The court then may issue a writ directed to the county sheriff to take subject into custody for a court appearance. At that point, the court may also order a pre-evaluation screening which may take place at community mental health center or with a designated examiner.
Third party involvement	Yes—any interested adult can initiate the process by submitting a sworn statement that requests psychiatric treatment for person.
Legal criteria	Person poses an immediate substantial likelihood of physical harm to himself or others or is gravely disabled and unable to care for himself by virtue of mental illness
Maximum time held before hearing	An evaluation must be completed within 24 hours after an individual is taken into custody. Person may be held without a court order for no longer than 72 hours.
Statute	MISS. CODE ANN. § 41-21-65
Treatment commitment	
Third party filing?	Yes—any person may initiate the commitment process. Two certified examiners must evaluate the need for treatment.
Legal criteria	Person poses an immediate substantial likelihood of physical harm to himself or others or is gravely disabled and unable to care for himself by virtue of mental illness
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	Initial commitment order for a period of up to three months
Length of renewal	The director of the facility at which the individual is committed must recommend a need for continued inpatient commitment, discharge or alternative treatment.
Statute	MISS. CODE ANN. § 41-21-61
Outpatient treatment (least restrictive alternatives)	
Circumstances	The court shall find the least restrictive treatment alternative which may include court-ordered outpatient commitment for treatment with specific reference to a treatment regimen, day treatment in a hospital, night treatment in a hospital, placement in the custody of a friend or relative or the provision of home health services.
Procedure for non-compliance	If the respondent fails to comply with outpatient treatment order, efforts to solicit compliance shall be documented with court. If non-compliance continues, an affidavit shall be filed with court which may authorize the sheriff to take the person into custody.
Statute	MISS. CODE ANN. § 41-21-73,74
Notes	For patients at state hospital, length of stay and need for continued treatment are determined by treatment team. Patient may request discharge hearing after 20 days.

Online Statute: <https://www.lexisnexis.com/hottopics/mscode/>

Missouri Civil Commitment Laws

Emergency detention	
Who may detain?	A peace officer that believes a person meets emergency evaluation criteria can take that person into custody and present them to a recognized facility for an imminent harm commitment.
Third party involvement	Yes—any adult person may file application for detention with Probate Court. A mental health coordinator may also request a peace officer to take or a person into custody for detention for evaluation and treatment.
Legal criteria	Person is suffering from a mental disorder and that the likelihood of serious harm by such person to himself or others is imminent unless such person is immediately taken into custody
Maximum time held before hearing	Person must be examined by licensed physician within 18 hours of arriving at mental health facility. Head of facility must file petition for involuntary commitment within 24 hours of arrival. Court hearing must be held at least four days following initial detention.
Statute	MO. ANN. STAT. § 632.305.3
Treatment commitment	
Third party filing?	Yes—any adult person may file for a four-day Probate Court Commitment. The head of facility or mental health coordinator must file for additional 21 day detention and treatment.
Legal criteria	Person, by reason of mental illness, presents a likelihood of serious harm to himself or to others.
...same as emergency criteria?	No—statute differentiates between mental disorder and mental illness
...grave disability?	Yes—likelihood of serious harm includes, impairment in capacity to make decisions which results in an inability to provide for basic necessities
...need for treatment?	Yes
Length of initial order	Initial treatment order for up to 21 days inpatient or 180 outpatient. Commitment can be extended for 90 days if filed during first 17 days of initial treatment order.
Length of renewal	Involuntary commitment may be renewed for one year inpatient and 180 day outpatient if filed during 90-day commitment period.
Statute	MO. ANN. STAT. § 632.320
Outpatient treatment (least restrictive alternatives)	
Circumstances	In lieu of a 21-day inpatient commitment petition, director of facility may file for outpatient detention and treatment for a period not to exceed 180 days.
Procedure for non-compliance	Outpatient treatment orders are entered under the supervision of a mental health program. In the event of non-compliance or onset of dangerousness, a program representative may direct that the patient is detained by sheriff and transported to an appropriate mental health facility for up to 96 hours.
Statute	MO. ANN. STAT. § 632.335
Notes	Mental Health Coordinators provide assessment and referral services for the civil commitment process.

Online Statute: <http://www.moga.mo.gov/mostatutes/ChaptersIndex/chaptIndex632.html>

Montana Civil Commitment Laws

Emergency detention	
Who may detain?	Peace officer may take a person into custody and is directed to contact a "professional person" prior to transporting the individual. That professional will evaluate if individual meets criteria and determine placement options.
Third party involvement	No—third party involvement in emergency detention not indicated
Legal criteria	1) any person who appears to have a mental disorder and to present an imminent danger of death or bodily harm to the person or to others or, 2) person who appears to have a mental disorder and to be substantially unable to provide for the person's own basic needs of food, clothing, shelter, health, or safety.
Maximum time held before hearing	Person may be detained and treated until the next regular business day, after which time a commitment petition should be filed with county attorney.
Statute	MONT CODE ANN § 53-21-129
Treatment commitment	
Third party filing?	No—only county attorney may file petition. However, any individual with direct knowledge of facts may provide attorney with written request for petition.
Legal criteria	1) any person who appears to have a mental disorder and to present an imminent danger of death or bodily harm to the person or to others or, 2) person who appears to have a mental disorder and to be substantially unable to provide for the person's own basic needs of food, clothing, shelter, health, or safety.
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	Yes—can be used as sole criteria for outpatient treatment only
Length of initial order	Individual may be held on 14 day short-term inpatient stay prior to post-trial disposition hearing. Disposition may include three-month inpatient commitment or six-month community (outpatient) commitment.
Length of renewal	Commitment order may be renewed by court on request of facility director for a period not to exceed six months
Statute	MONT CODE ANN § 53-21-122
Outpatient treatment (least restrictive alternatives)	
Circumstances	A post-trial disposition hearing is held within five days of initial hearing. At this hearing, the judge may order "community commitment" for a period of three months on first commitment, or up to six months if individual has been previously committed.
Procedure for non-compliance	If a person fails to substantially comply with the treatment plan, a faculty director must notify the court if the non-compliance would result in person becoming a danger to self or others. The court may take additional steps to require compliance.
Statute	MONT CODE ANN § 53-21-149,151
Notes	Initial hearing is for probable cause. If probable cause found, person must be examined by the professional person without unreasonable delay. During this period, hearing can be suspended and person held in short term treatment for up to 14 days

Online Statute: http://leg.mt.gov/bills/mca_toc/53_21_1.htm

Nebraska Civil Commitment Laws

Emergency detention	
Who may detain?	A law enforcement officer may take person meeting criteria into custody and transport them to medical treatment facility. The officer must complete a written certificate attesting to probable cause. A mental health professional may also hold person for law enforcement officer.
Third party involvement	No—only law enforcement, mental health professional, or county attorney may initiate petition; any person may request that these parties take action
Legal criteria	Probable cause to believe that the person is mentally ill and dangerous and harm is likely to occur before proceedings
Maximum time held before hearing	A mental health professional must evaluate person no later than 36 hours after person taken into custody. Hearing must take place no more than seven days from time person taken into custody.
Statute	NEB. REV. STAT. § 71-908
Treatment commitment	
Third party filing?	No—any person may communicate belief that another person is mentally ill and dangerous to county attorney
Legal criteria	Person who is mentally ill or substance dependent and because of such mental illness or substance dependence presents a substantial risk of serious harm to him/herself or to another person or persons within the near future
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Progress reports reviewed by Mental Health Board take place every 90 days during first year
Length of renewal	After the first year under a treatment order, regular progress reports must be filed every six months. These progress reports are filed, but not heard unless review hearing requested by patient, attorney, or facility.
Statute	NEB. REV. STAT. § 71-921
Outpatient treatment (least restrictive alternatives)	
Circumstances	Mental Health Board will consider all treatment alternatives. County attorney and respondent may submit proposals. Treatment plan may include inpatient or outpatient options. Board will designate person or agency to oversee least restrictive available alternative.
Procedure for non-compliance	The treatment provider must submit report to Mental Health Board and county attorney if person not following treatment plan or treatment plan no longer deemed effective. County attorney may file a motion for reconsideration based on report.
Statute	NEB. REV. STAT. § 71-933
Notes	States system consists of Mental Health Review Boards which hear all commitment cases and issue treatment orders after assessing progress

Online Statute: <http://nebraskalegislature.gov/laws/statutes.php?statute=71-919>

Nevada Civil Commitment Laws

Emergency detention	
Who may detain?	Without a warrant, an agent of the Department, an officer authorized in the state, or a physician, psychologist, other mental health professional may arrange for law enforcement transport or transport person to mental health facility for emergency admission. Other persons may also apply to a district court for emergency admission.
Third party involvement	Yes—spouse, parent, adult child, or any person who has a legitimate interest may make application for emergency admission to district court
Legal criteria	person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted
Maximum time held before hearing	Person on emergency admission must be released within 72 hours, including weekends and holidays, after psychiatrist or licensed psychologist certifies that they meet criteria
Statute	NEV. REV. STAT § 433A.160
Treatment commitment	
Third party filing?	Yes—petition may be filed by spouse, parent, adult children or by any physician, psychologist, social worker or registered nurse, by an agent of the Department or by any law enforcement officer. The petition must be accompanied by an exam.
Legal criteria	Person presents a clear and present danger of harm to others if, within the immediately preceding 30 days, the person has, as a result of a mental illness, inflicted or attempted to inflict serious bodily harm on any other person, or made threats to inflict harm and committed acts in furtherance of those threats, and if there exists a reasonable probability that he or she will do so again unless the person is admitted
...same as emergency criteria?	Yes
...grave disability?	Yes—requires risk of severe harm in next 30 days
...need for treatment?	No
Length of initial order	Inpatient and outpatient involuntary admission orders expire at the end of 6 months
Length of renewal	Six months
Statute	NEV. REV. STAT § 433A.200
Outpatient treatment (least restrictive alternatives)	
Circumstances	At involuntary court ordered admission hearing, court may order a program of community or outpatient based services for adult persons with a history of non-compliance that are capable of living safely in the community with supervision
Procedure for non-compliance	The professional may petition the court to have a peace officer take person into custody for an emergency evaluation if person fails to participate in treatment plan. Court must determine that there is probable cause to believe person will hurt self or others.
Statute	NEV. REV. STAT § 433A.310
Notes	Professional responsible for providing or coordinating treatment can conditionally release patients that no longer meet criteria and can set length of time for conditions (not to exceed length of order)

Online Statute: <https://www.leg.state.nv.us/NRS/NRS-433A.html>

New Hampshire Civil Commitment Laws

Emergency detention	
Who may detain?	If peace officer observes person that may meet criteria, the officer may place person in protective custody for six hours or until examination is complete. A law enforcement officer may also detain individual identified in certificate that has been issued following exam by physician or psychiatric nurse practitioner.
Third party involvement	Yes—any responsible person may petition—but only judge or physician can initiate required exam for certification
Legal criteria	Person may be suffering from a mental illness and there is probable cause to believe that unless the person is placed in protective custody, the person poses an immediate danger of bodily injury to himself or others
Maximum time held before hearing	Within three business days of admission, a probable cause hearing is held to determine if person may be held until a full hearing (within ten days)
Statute	N.H. REV. STAT. ANN § 135-C:28
Treatment commitment	
Third party filing?	Yes—any reasonable person may petition for subject to be examined by professional.
Legal criteria	Person is in such mental condition as a result of mental illness as to create a potentially serious likelihood of danger to himself or to others. Dangerousness includes behaviors or incapacities observed in last 40 days which may result in likelihood of death, serious bodily injury, or serious debilitation
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	Yes—criteria includes commitment as result of "serious debilitation"
Length of initial order	Determined by court and may last between six months and five years
Length of renewal	Same period
Statute	N.H. REV. STAT. ANN § 135-C:36
Outpatient treatment (least restrictive alternatives)	
Circumstances	At hearing, judge may determine that local community mental health center should be responsible for developing outpatient treatment conditions for individual.
Procedure for non-compliance	If individual does not follow conditions of outpatient treatment plan, the assigned community mental health center may schedule a hearing to review case and request individual be sent to hospital for further treatment. If individual begins to pose danger, they may be detained directly under the Involuntary Emergency Admission (IEA) process.
Statute	N.H. REV. STAT. ANN § 135-C:50
Notes	The commitment process is designed to develop treatment and monitoring plan to eventually transition individual to community on conditional discharge. A conditional discharge agreement may call for early release with intensive services provided to individual in community. If conditions are met, the court may order an absolute discharge on review.

Online Statute: <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-X-135-C.htm>

New Jersey Civil Commitment Laws

Emergency detention	
Who may detain?	A law enforcement officer, acting on observation may take individual to designated screening center. Screening outreach visit may also be conducted to perform an initial assessment and evaluation. If deemed appropriate, the person could be transferred to a designated facility by public official or law enforcement officer.
Third party involvement	No—community screening system for initial emergency detention
Legal criteria	Law enforcement officer has reasonable cause to believe the person is mentally ill and in need of treatment (dangerous to themselves or others or property and unwilling to accept appropriate treatment voluntarily)
Maximum time held before hearing	Screening period—72 hours; Order of Temporary Commitment—20 days
Statute	N.J. STAT. ANN. § 30:4-27.6
Treatment commitment	
Third party filing?	Yes—a petition can be filed to the court but two clinical certificates must be submitted
Legal criteria	Mentally ill and dangerous to themselves, including bodily harm or unable to satisfy need for nourishment, essential medical care, or shelter, or others or property and unwilling to accept appropriate treatment voluntarily
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Inpatient 3 months; outpatient 6months
Length of renewal	Inpatient: 9months from first hearing, every 12 months from first hearing thereafter outpatient: every 6 months after first review hearing
Statute	N.J. STAT. § 30:4-27.6
Outpatient treatment (least restrictive alternatives)	
Circumstances	A conditional discharge order may be entered by court if patient history indicates a high risk of rehospitalization because of failure to comply with discharge plans.
Procedure for non-compliance	The designated mental health agency staff must notify the court if a patient violated conditions of order. Notification does not have to be in writing. On notification, the court will order the patient to be screened to determine if the patient should be recommitted.
Statute	N.J. STAT. ANN. § 30:4-27.5, 30:4-27.8a, 30:4-27.15
Notes	Court may also order a Conditional Extension Pending Placement (CEPP) when a patient no longer meets commitment criteria, but cannot be safely discharged and there is no appropriate placement available.

Online Statute: http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=154062&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC_Frame_Pg42

New Mexico Civil Commitment Laws

Emergency detention	
Who may detain?	A peace officer may detain and transport a person for emergency mental health evaluation and care without a court order. In addition, a licensed physician or certified psychologist may certify that the person meets commitment criteria and this certification may permit transport to an evaluation facility.
Third party involvement	No—interested person may request investigation from district attorney
Legal criteria	The peace officer or licensed physician or psychologist believes the person represents likelihood of serious harm to themselves or others due to mental illness, the peace officer has reasonable ground to believe the person has just attempted suicide, or person is otherwise subject to arrest
Maximum time held before hearing	Petition must be filed in 5 days—hearing in 7 days
Statute	NM Stat § 43-1-10
Treatment commitment	
Third party filing?	No—individuals can only request that the distric attorney conduct an investigation
Legal criteria	As a result of a mental illness, the person presents likelihood of serious harm to themselves or others, and will likely benefit from proposed treatment, and the proposed commitment is consistent with treatment needs and is the least drastic means available
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Up to 30 days.
Length of renewal	A physician or evaluation facility may file petition for extended commitment. The commitment period can be extended up to six months (12 months if person has been committed for two consecutive periods).
Statute	N.M. STAT. ANN. § 43-1-11
Outpatient treatment (least restrictive alternatives)	
Circumstances	n/a
Procedure for non-compliance	n/a
Statute	NM Stat § 43-1-11, NM Stat § 43-1-12
Notes	District attorney must act on third party petition within 72 hours

Online Statute: <http://law.justia.com/codes/new-mexico/2011/chapter43/article1/>

New York Civil Commitment Laws

Emergency detention	
Who may detain?	A peace officer may take a person who meets the criteria into custody. A physician or community services director may also issue a certification that individual meets criteria. If this certification is confirmed by a second physician, the person may be taken to facility and held for observation and treatment.
Third party involvement	Yes—eleven different categories of individuals are mentioned in statute as having standing to file an application for involuntary admission on medical certification
Legal criteria	Any person alleged to have a mental illness which is likely to result in serious harm to himself or others and for which immediate observation, care, and treatment in a hospital is appropriate
Maximum time held before hearing	A person may be held under emergency hold for a maximum of 15 days. The patient or another person has the right to petition court for hearing within five days.
Statute	N.Y. MENTAL HYG. LAW § 9.39
Treatment commitment	
Third party filing?	No—only hospital/facility director may apply
Legal criteria	A person who has a mental illness for which care and treatment as a patient in a hospital is essential to such person's welfare and whose judgment is so impaired that he is unable to understand the need for such care and treatment, and is likely to cause serious harm to themselves or others
...same as emergency criteria?	Yes
...grave disability?	No
...need for treatment?	No
Length of initial order	Inpatient: 60 days; outpatient: up to one year
Length of renewal	Inpatient: six months; outpatient: one year
Statute	N.Y. MENTAL HYG. LAW § 9.37
Outpatient treatment (least restrictive alternatives)	
Circumstances	Adult patients may qualify for assisted outpatient treatment (AOT) if they are unlikely to voluntarily comply with treatment and have a history of non-compliance, and are in need of treatment to avoid harm to themselves or others. A director of community services must provide or arrange for the services described in the order.
Procedure for non-compliance	Where the patient has failed or has refused to comply with the treatment ordered by the court, efforts were made to solicit compliance, and such patient may be in need of involuntary admission to a hospital, they may be removed to an appropriate hospital for an examination to determine if such person has a mental illness for which hospitalization is necessary. Police officers, ambulances, or mobile crisis outreach teams may take into custody or transport any such person to the hospital for up to 72 hours for evaluation.
Statute	N.Y. MENTAL HYG. LAW § 9.60, NY Ment Hygiene L § 9.33
Notes	If a person is involuntarily admitted due to two physician certification, they are automatically held for 60 days, but may request a hearing for approval of a shorter inpatient stay. Information about New York's AOT law ("Kendra's Law") may be found at http://www.omh.ny.gov/omhweb/Kendra_web/Ksummary.htm

Online Statute: #[#](http://public.leginfo.state.ny.us/lawsrch.cgi?NVLWO)

North Carolina Civil Commitment Laws

Emergency detention	
Who may detain?	Law enforcement officer may transport individual to physician or eligible psychologist for examination. A layperson may also petition the magistrate for a custody order which would authorize law enforcement officer transport.
Third party involvement	Yes—any person.
Legal criteria	Mentally ill and requires immediate hospitalization to prevent harm to self or others
Maximum time held before hearing	Hearing must be held within 10 days of custody. An extension of no more than 5 days may be granted. A custody order authorizing transport is only valid for 24 hours.
Statute	N.C. GEN. STAT § 122C-262
Treatment commitment	
Third party filing?	No—but they can petition the clerk or magistrate for an examination.
Legal criteria	Mentally ill and dangerous to himself or others or mentally ill and in need of treatment to prevent further disability or deterioration that would predictably result in dangerousness
...same as emergency criteria?	No—emergency criteria specifies that person requires immediate hospitalization.
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	Initial commitment may not exceed 90 days (inpatient and outpatient)
Length of renewal	For outpatient treatment and inpatient treatment, treatment order may be extended up to 180 days
Statute	N.C. GEN. STAT. § 122C-3(11), N.C. GEN. STAT. § 122C-268(b)
Outpatient treatment (least restrictive alternatives)	
Circumstances	If during the first examination, the physician finds that the individual is mentally ill, able to survive in the community with assistance of family, friends, or others, requires treatment to prevent further deterioration, and is not able to make informed decisions regarding their treatment, then the physician will recommend outpatient treatment. The court order specifies the outpatient treatment physician or center responsible for the management and supervision of the outpatient commitment.
Procedure for non-compliance	If the person does not comply with outpatient treatment, the provider must make all reasonable efforts for compliance. If the patient still does not comply, the provider can request an order for custody and reexamination. The court may order a supplemental hearing for alleged noncompliance to occur within 14 days of notification.
Statute	N.C. GEN. STAT. § 122C 263(d)(1), § 122C-271, §122C-273(a)
Notes	First exam may be initiated by layperson petition (approved by magistrate), clinician petition (faxed to magistrate), or emergency petition (bypasses magistrate, but later reviewed by district court judge)

Online Statute: http://www.ncleg.net/enactedlegislation/statutes/html/bychapter/chapter_122c.html

North Dakota Civil Commitment Laws

Emergency detention	
Who may detain?	A peace officer or physician may take a person into custody and have them detained at a treatment facility if they have reasonable cause to believe that an individual meets criteria, either from personal observation or from reports taken by emergency medical services professional, psychiatrist, psychologist, or mental health professional.
Third party involvement	Yes—any person eighteen years of age or over
Legal criteria	A person requiring treatment and there exists a serious risk of harm to that person, other persons, or property of an immediate nature that considerations of safety do not allow preliminary intervention
Maximum time held before hearing	Four days if the person is brought in by a peace officer without intervention from magistrate, or seven days based on petition granted from magistrate.
Statute	N.D. CENT. CODE § 25-03.1-25.1
Treatment commitment	
Third party filing?	Yes—any person eighteen years of age or over
Legal criteria	Person is mentally ill or chemically dependent, and there is a reasonable expectation of a serious harm to person, others, or property if the person is not treated
...same as emergency criteria?	No—emergency criteria must be of immediate nature
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	After preliminary hearing—14 days After involuntary commitment hearing—90 days
Length of renewal	A hearing can be held to extend treatment (inpatient or outpatient) for a period no longer than a year.
Statute	N.D. CENT. CODE § 25-03.1-02(12), 25-03.1-08
Outpatient treatment (least restrictive alternatives)	
Circumstances	If the court decides that there is a treatment other than hospitalization that is adequate, a person can be committed to outpatient treatment.
Procedure for non-compliance	Health professional directing treatment may cause person to be taken into custody if person is non-compliant and considerations of time and safety do not permit intervention by court. In this event, a notice shall be filed within 24-hours. In addition, if the respondent is not complying with the alternative treatment order, the department, a representative of the treatment program, the petitioner's retained attorney, or the state's attorney may apply to the court to modify the alternative treatment order. The court may retain or modify the alternative treatment order or enter a new order that directs inpatient hospitalization.
Statute	N. D. CENT. CODE §25-03.1-21(2), 25-03.1-22
Notes	Involuntary commitment petitions are filed with the State's Attorney's Office. The state attorney may direct a designated mental health professional to evaluate and investigate the petition prior to filing.

Online Statute: <http://www.legis.nd.gov/cencode/t25c03-1.pdf?20150324160030>

Ohio Civil Commitment Laws

Emergency detention	
Who may detain?	A professional (psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer or sheriff) may take a person into custody and transport individual to hospital if they meet criteria. Judge may also order transport on hearing affidavit of third party
Third party involvement	Yes—any person may commence temporary detention by filing affidavit of mental illness
Legal criteria	The person is a mentally ill person subject to hospitalization by court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination
Maximum time held before hearing	Must be examined within 24 hours, and may be detained for up to three court days.
Statute	OHIO REV. CODE ANN. § 5122.10
Treatment commitment	
Third party filing?	Yes—any person with reliable information or actual knowledge
Legal criteria	Represents substantial risk of physical harm to themselves or others due to threats, violent behavior, or attempts at suicide/harm, or is unable to provide for basic physical needs, and would benefit from treatment
...same as emergency criteria?	No—must also represent substantial risk if allowed to remain at liberty.
...grave disability?	Yes
...need for treatment?	No
Length of initial order	90 days
Length of renewal	After the initial 90 days, a hearing must be held at least every two years.
Statute	OHIO REV. CODE ANN. § 5122.01(B)
Outpatient treatment (least restrictive alternatives)	
Circumstances	Court-ordered outpatient treatment plan may be developed by provider for those who are unlikely to survive safely in the community, have not complied with treatment in the past, are unlikely to agree to seek treatment, and need treatment to prevent harm to self or others.
Procedure for non-compliance	In the event of non-compliance or decompensation, a treatment provider may submit a report to the court with a plan for alternative treatment. The court may not order the respondent to a more restrictive placement unless commitment criteria are met.
Statute	OHIO REV. CODE ANN. § 5122.15 (C), § 5122.15(H).
Notes	Affidavit of mental illness should be accompanied by certificates signed by psychiatrist or licensed clinical psychologist and physician or a statement that individual refuses to submit to examination. Based on affidavit, judge may issue a temporary detention order (TDO) permitting individual to be held at hospital for 48 hours. In some counties, a person with TDO is referred to pre-screener at community mental health center. This person may divert individual to less restrictive treatment instead of hospital.

Online Statute: <http://codes.ohio.gov/orc/5122>

Oklahoma Civil Commitment Laws

Emergency detention	
Who may detain?	Any peace officer who reasonably believes that a person requires treatment and immediate action is necessary may take the person into protective custody for an emergency examination
Third party involvement	No—may only request to director of assessment facility
Legal criteria	Person has a mental illness or drug/alcohol dependency that causes them to pose a substantial risk of physical harm to themselves or others, has placed a person in reasonable fear of violent behavior, or cannot provide for basic physical needs and is at risk of severe deterioration and impairment
Maximum time held before hearing	Person may be held in emergency detention for 72 hours. A licensed mental health professional (LMHP) must conduct an initial assessment within first 12 hours to determine if emergency detention is warranted.
Statute	43A OKL. ST. § 5-410(A), 5-207
Treatment commitment	
Third party filing?	Yes—a parent, spouse, sibling, adult child or guardian can file a petition.
Legal criteria	Person has a mental illness or drug/alcohol dependency that causes them to pose a substantial risk of physical harm to themselves or others, has placed a person in reasonable fear of violent behavior, or cannot provide for basic physical needs and is at risk of severe deterioration and impairment
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	Determined by director of facility, not to exceed 90 days
Length of renewal	Inpatient: cases are reviewed every 90 days outpatient: at least every year, the court will reexamine the case and extended or discontinue treatment.
Statute	43A OKL. ST. § 5-410
Outpatient treatment (least restrictive alternatives)	
Circumstances	Court may order treatment program other than hospitalization for a mentally ill person if it is appropriate to meet the individual's needs and is sufficient to prevent injury to the individual or others.
Procedure for non-compliance	If the person is not complying the court may consider an alternative treatment, or order hospitalization. If the individual refuses to comply, the court may direct a peace officer to put the person in protective custody and will schedule a show-cause hearing.
Statute	43A OKL. ST. § 5-415
Notes	The Certificate of Evaluation and Report of Evaluation are filed after examination by LMHP to establish that respondent is "person requiring treatment." During initial admission (first 72 hours), two LMHPs must conduct full examination and determine if petition for involuntary commitment should be filed.

Online Statute:

http://webserver1.lsb.state.ok.us/OK_Statutes/CompleteTitles/os43A.rtf#http://webserver1.lsb.state.ok.us/OK_Statutes/CompleteTitles/os43A.rtf#

Oregon Civil Commitment Laws

Emergency detention	
Who may detain?	A peace officer with probable cause that individual meets criteria may take person into custody. The director of a community mental health program may also request that a peace officer take a person into custody when they have probable cause to believe that the person is imminently dangerous to self or to any other person.
Third party involvement	No—may request investigation from Community Mental Health Program (CMHP)
Legal criteria	Person has a mental disorder, and because of disorder, is dangerous to self or others or unable to provide for basic personal needs like health and safety.
Maximum time held before hearing	Not more than five working days for a precommitment hold
Statute	OR Rev Stat § 426.228, 426.237
Treatment commitment	
Third party filing?	Yes—two lay-people may initiate commitment procedures
Legal criteria	Mentally ill person who is dangerous to themselves or others, or unable to provide basic personal like health and safety. Nondangerous persons may be committed if they have a major mental illness, have been committed and hospitalized twice in the last three years, and meet other criteria.
...same as emergency criteria?	No—only dangerous persons can be placed on precommitment hold
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	180 days or less
Length of renewal	At the end of the initial commitment, the Oregon Health Authority may certify an additional 180 days treatment.
Statute	OR. REV. STAT. § 426.005(1)
Outpatient treatment (least restrictive alternatives)	
Circumstances	A civil commitment hearing may result in a conditional release to custody of friend or relative and/or outpatient commitment under CMHP supervision, which provides treatment conditions.
Procedure for non-compliance	If the individual does not comply with terms of placement, the court may have another hearing (within five days). Prior to the hearing, individual may be held in custody. Hearing can result in additional outpatient treatment conditions or inpatient custody and treatment.
Statute	OR Rev Stat § 426.127, 426.130
Notes	After a petition is filed, a community mental health program (CMHP) investigator determines if a need for commitment exists. Person on precommitment hold may be eligible for a 14-day diversion program that can occur on an inpatient or outpatient basis, but does not involve a civil commitment hearing.

Online Statute: https://www.oregonlegislature.gov/bills_laws/ors/ors426.html

Pennsylvania Civil Commitment Laws

Emergency detention	
Who may detain?	An emergency examination may be initiated in one of two ways: First, a law enforcement officer or physician has the authority to take mentally ill person meeting criteria to the emergency department for an exam. Second, any person may request that a county "mental health delegate" evaluate the need for involuntary hospitalization. The delegate may issue a warrant which allows law enforcement or other authorized person to transport individual to emergency department.
Third party involvement	No—may request evaluation from county mental health delegate
Legal criteria	Severely mentally disabled and observed behavior in past 30 days poses a clear and present danger to self or others
Maximum time held before hearing	Initial admission period may not exceed five days, an exam must occur within two hours of arrival for physician to certify admission
Statute	50 P. S. § 7302
Treatment commitment	
Third party filing?	Yes—any responsible party
Legal criteria	Severely mentally disabled and observed behavior in past 30 days poses a clear and present danger to self or others - behavior may include actual or attempted substantial self-injury or suicide, attempted or inflicted serious bodily harm to another, inability to care for oneself that would result in risk of death or injury within 30 days
...same as emergency criteria?	Yes
...grave disability?	Yes—reasonable probability that death, serious bodily injury or serious physical debilitation would occur within 30 days
...need for treatment?	No
Length of initial order	20 days for extended emergency treatment or 90 days on non-emergent petition
Length of renewal	180 days
Statute	50 P. S. § 7303
Outpatient treatment (least restrictive alternatives)	
Circumstances	Order shall be entered directing treatment of the person in an approved facility as an inpatient or an outpatient, or a combination of such treatment
Procedure for non-compliance	If a person does not comply with treatment order, provider may provide written notice to the committing judge and district attorney. A hearing to address non-compliance is held within 20 days to determine need for treatment in a more restrictive setting.
Statute	50 P. S. § 7304
Notes	Mental health review officer may determine need for extended emergency treatment (20 days) at informal hearing

Online Statute: <http://www.legis.state.pa.us/cfdocs/Legis/LI/uconsCheck.cfm?txtType=HTM&yr=1976&sessInd=0&smthLwInd=0&act=0143>

Rhode Island Civil Commitment Laws

Emergency detention	
Who may detain?	A physician, qualified health professional or police officer who has reason to believe an individual requires immediate care and supervision and meets criteria may make an application for emergency certification to the director of a community mental health center. The person may be taken into custody by a law enforcement officer, and the center director makes determination on accepting individual for emergency observation.
Third party involvement	No—a non-health professional may be directed to a community health center, but a health professional will make the final decision for emergency certification.
Legal criteria	Patient must be mentally ill and demonstrate imminent likelihood or serious harm if left unsupervised in the community.
Maximum time held before hearing	The preliminary evaluation and examination must begin no later than 24 hours after admission and must be completed within 72 hours. Person should be discharged no later than 10 days from emergency examination.
Statute	R.I. GEN. LAWS § 40.1-5-7.
Treatment commitment	
Third party filing?	Yes—any person with whom the subject of the petition may reside, or nearest relatives, or attorney, or director of public agency
Legal criteria	Person who is alleged to need treatment and whose continued unsupervised presence in the community would create a likelihood of serious harm by reason of mental disability.
...same as emergency criteria?	No—emergency commitment requires imminent likelihood of harm.
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Six months for inpatient and outpatient.
Length of renewal	Recertification hearing every six months.
Statute	R.I. GEN. LAWS § 40.1-5-8
Outpatient treatment (least restrictive alternatives)	
Circumstances	Court will consider alternatives to commitment or certification which may include court-ordered outpatient treatment, day treatment in a hospital, night treatment in a hospital, placement in the custody of a friend or relative, placement in a nursing home, referral to a community mental health clinic or any other services that may be deemed appropriate
Procedure for non-compliance	Not indicated in statute
Statute	R.I. GEN. LAWS § 40.1-5-11
Notes	A civil court certification commits person to custody and care of the director of mental health treatment facility. The certificates are valid for up to six months, but a director may discharge if individual no longer meets criteria.

Online Statute: <http://webserver.rilin.state.ri.us/Statutes/TITLE40.1/40.1-5/INDEX.HTM#>

South Carolina Civil Commitment Laws

Emergency detention	
Who may detain?	Any person may complete an application for emergency commitment by signing affidavit that individual meets criteria. Application are made to mental health center and must include certification by licensed physician. If respondent refuses to be examined by physician, the probate court may issue a detention order which permits law enforcement to take respondent into custody for up to 24 hours.
Third party involvement	Yes—any interested person.
Legal criteria	Person has a mental illness which presents an immediate risk of serious harm to self/others if person is not immediately hospitalized
Maximum time held before hearing	Within 48 hours of admission, the center must forward an affidavit and certification to the probate court. Within 48 of receipt, the court must conduct a preliminary review of probable cause. If probable cause is found, within seven days of admission, an examination must be performed. A hearing must be held within 15 days of admission.
Statute	S.C. CODE ANN. § 44-17-410
Treatment commitment	
Third party filing?	Yes—No restrictions
Legal criteria	Person must be mentally ill and due to their condition cannot make responsible decisions regarding their treatment, or because of the condition, there is a likelihood of serious harm to themselves or others
...same as emergency criteria?	No—emergency commitment requires the patient to be likely to cause serious harm
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	Person has right to reexamination after six months, based on the petition of the patient or any other interested person
Length of renewal	six months
Statute	S.C. CODE ANN. § 44-17-510
Outpatient treatment (least restrictive alternatives)	
Circumstances	During the hearing, the court may order inpatient or outpatient treatment if the patient is found to lack capacity to make responsible decisions regarding their treatment and if there is a likelihood of serious harm.
Procedure for non-compliance	If the respondent fails to adhere to the prescribed out-patient treatment order or program, the treatment facility shall report the failure to the court. A supplemental hearing will be held and the court may order inpatient treatment in a designated facility.
Statute	S.C. CODE ANN § 44-17-580
Notes	Initial screening are performed by the Mental Health Center, unless an emergency exists and physician certification is required. Several counties in South Carolina have a Therapeutic Transportation Unit within the Sheriff's office for transport related to mental health and chemical dependency evaluations or proceedings.

Online Statute: <http://www.scstatehouse.gov/code/t44c017.php>

South Dakota Civil Commitment Laws

Emergency detention	
Who may detain?	A peace officer may apprehend any person that they have probable cause to believe requires emergency intervention and meets commitment criteria. The peace officer shall transport the person to an appropriate regional facility for examination. In addition, any responsible person can file a petition for emergency detention, with the assistance of the state's attorney. The petition is submitted to the chair of the county board of mental illness. The chair may then order apprehension of individual if probable cause exists.
Third party involvement	Yes—any adult over 18 years with affidavit (mental illness board determines if probable cause exists)
Legal criteria	Person is alleged to be severely mentally ill and in such condition that immediate intervention is necessary for the protection from physical harm to self or others
Maximum time held before hearing	Person must be examined within 24 hours of admission and hearing must be held within five working days
Statute	S.D. CODIFIED LAWS § 27A-10-1
Treatment commitment	
Third party filing?	Yes—any adult over 18 years with affidavit
Legal criteria	Person must be found by the board to have a severe mental illness and due to the severe mental illness, they are danger to self or others and the individual needs and is likely to benefit from treatment
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Cannot exceed 90 days (inpatient or outpatient commitment)
Length of renewal	Up to an additional six months (after review hearing)
Statute	S.D. CODIFIED LAWS § 27A-10-1
Outpatient treatment (least restrictive alternatives)	
Circumstances	The board may commit the person to a private facility or an outpatient treatment program, if that facility or program agrees to accept the commitment and if the commitment will not result in liability to any county for the cost of treating such person.
Procedure for non-compliance	If a person fails to comply with the requirements specified in an outpatient commitment order, and the person's treating physician or staff of the specified outpatient treatment program believes that the person's current condition is likely to deteriorate until it is probable that the person will be a danger to self or others, the program director or the person's treating physician may notify law enforcement and provide law enforcement with a certified copy of the outpatient commitment order or treatment order.
Statute	S.D. CODIFIED LAWS § 27A-10-9, 9.4
Notes	A Mental Illness Board, rather than courts, handle commitment decisions. A majority of the board may order commitment for up to 90 days

Online Statute: https://legis.sd.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=27A-10#

Tennessee Civil Commitment Laws

Emergency detention	
Who may detain?	A law enforcement officer, physician, psychologist or Mandatory Prescreening Agent (MPA) who has reason to believe that person meets detention criteria can take the person into custody for emergency examination for certification and treatment. The MPA must conduct an evaluation within two hours of referral and complete a Certificate of Need (CON) if individual meets criteria.
Third party involvement	No—qualified mental health professional must approve
Legal criteria	Person has a mental illness or serious emotional disturbance, and poses an immediate substantial likelihood of serious harm
Maximum time held before hearing	Hearing held within five days of initial detention—admitting facility may hold the person for up to twenty-four hours pending a court order
Statute	Tenn. Code Ann. § 33-6-400
Treatment commitment	
Third party filing?	Yes—parent, legal guardian, legal custodian, conservator, spouse or responsible relative
Legal criteria	Poses an immediate likelihood of serious harm as a result of a mental illness or serious emotional disturbance, or is in danger of serious physical harm resulting from failure to provide for essential human needs of health or safety; or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control and is not receiving care that is essential for health or safety
...same as emergency criteria?	Yes
...grave disability?	Yes—includes provision for “severe impairment”
...need for treatment?	Yes
Length of initial order	15 days after the probable cause hearing
Length of renewal	Every six months, or earlier—chief officer of hospital may authorize discharge (with notification) if order not subject to judicial review.
Statute	Tenn. Code Ann. § 33-6-500
Outpatient treatment (least restrictive alternatives)	
Circumstances	Outpatient treatment plan may be ordered if person’s condition is likely to deteriorate rapidly to the point that the person will pose a likelihood of serious harm unless treatment is continued, and the person is not likely to participate in outpatient treatment unless legally obligated to do so. Medically appropriate outpatient treatment plan must be approved by the releasing facility and the outpatient mental health professional.
Procedure for non-compliance	Person with standing must file affidavit that person is, without good cause, out of compliance with the treatment plan, and the qualified mental health professional believes the noncompliance is not likely to be corrected voluntarily. After filing, court may order that respondent appear to court within five business days.
Statute	Tenn. Code Ann. § 33-6-600
Notes	A qualified mental health professional typically evaluates person to determine need for treatment in an emergency situation. Final hearing occurs within 20 days of initial admission. Persons with severe impairment (non dangerous) may be held for a period of up to 72 hours for evaluation and treatment prior to court hearing.

Online Statute: https://www.lawsolver.com/law/state/tennessee/tn-code/tennessee_code_title_33_chapter_6#

Texas Civil Commitment Laws

Emergency detention	
Who may detain?	A peace officer, without a warrant, may take a person into custody, or a judge or magistrate may issue an emergency detention order to take the person into custody and transport to a mental health facility for evaluation.
Third party involvement	Yes—an adult may file an application for emergency detention
Legal criteria	Person is mentally ill; and because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained
Maximum time held before hearing	Individual must be examined within 12 hours of being taken into custody, and cannot stay in custody longer than 48 hours without a written order. A hearing must be held within 72 hours after a patient was detained under a protective custody order.
Statute	TEX. HS. CODE ANN. § 573.011
Treatment commitment	
Third party filing?	Yes—any adult
Legal criteria	Proposed patient is mentally ill, and due to the illness is likely to cause harm to himself and/or others, or is suffering severe and abnormal distress, experiencing substantial mental or physical deterioration of their ability to function independently and unable to provide basic needs, and is unable to make rational decisions regarding treatment
...same as emergency criteria?	No—emergency detention only valid for harm to person or others
...grave disability?	Yes
...need for treatment?	No
Length of initial order	90 days for inpatient and outpatient commitment
Length of renewal	Extended treatment may be renewed for up to 12 months
Statute	TEX. HS. CODE ANN. § 574.034
Outpatient treatment (least restrictive alternatives)	
Circumstances	A judge may order outpatient care if there is appropriate mental health services available, the mentally ill patient is not able to live safely without outpatient mental health services, and the proposed patient will not participate in outpatient treatment voluntarily.
Procedure for non-compliance	The person responsible for the services shall inform the court of the patient's failure to comply with the court order. If a patient is not complying with the court's order, the court may set a modification hearing and issue an order for temporary detention if an application is filed.
Statute	TEX. HS. CODE ANN. § 574.034
Notes	Final hearing must be set within 14 days of application (for non-emergent commitment). Hearing cannot occur until two doctors (at least one psychiatrist) examine individual and certify need for commitment.

Online Statute: <http://www.statutes.legis.state.tx.us/Docs/HS/htm/HS.573.htm>

Utah Civil Commitment Laws

Emergency detention	
Who may detain?	An emergency temporary commitment without certification (called pink sheet) may be carried out by a police or mental health officer who observes behavior that gives probable cause to believe a detention is necessary. A temporary commitment with certification (blue sheet) includes an application completed by persons with first hand knowledge of facts or by a physician or designated examiner. This application authorizes emergency detention pick up by police officer.
Third party involvement	Yes—responsible person can submit application.
Legal criteria	Individual has a mental illness and, because of the individual's mental illness, is likely to injure self or others if not immediately restrained (substantial and immediate danger)
Maximum time held before hearing	Within 10 days of court receiving application (application must be submitted to court within 24 hours of admission, excluding weekends and holidays)
Statute	UTAH CODE ANN. § 62A-15-629(1)
Treatment commitment	
Third party filing?	Yes—must be a responsible person who has reason to know of the condition
Legal criteria	Individual has a mental illness and because of mental illness, poses a substantial danger to self or others, which may include the inability to provide the basic necessities of life such as food, clothing, and shelter, if allowed to remain at liberty. The patient lacks the ability to engage in a rational decision-making process regarding the acceptance of mental treatment as demonstrated by evidence of inability to weigh the possible risks of accepting or rejecting treatment.
...same as emergency criteria?	No—emergency standard based on likelihood to cause serious injury if not restrained
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	May not exceed six months
Length of renewal	Order may be renewed for an indeterminate period, with six month review
Statute	UTAH CODE ANN. § 62A-15-631
Outpatient treatment (least restrictive alternatives)	
Circumstances	Conditional release from inpatient treatment may be entered by local mental health authority when agreed order to least restrictive environment is signed by provider and the patient.
Procedure for non-compliance	If local mental health authority has reason to believe that least restrictive environment is aggravating patient's mental illness or that the patient has failed to comply with the agreed treatment plan, order of placement in a more restrictive environment may be entered on hearing.
Statute	UTAH CODE ANN. § 62A-15-631(11)
Notes	While initial order may not exceed six months, initial orders are typically issued for 30, 60, or 90 days.

Online Statute: http://www.le.utah.gov/~code/TITLE62A/htrn/62A15_063100.htm

Vermont Civil Commitment Laws

Emergency detention	
Who may detain?	A law enforcement officer or qualified mental health professional (QMHP) may make an application to any Superior Court judge for a warrant for immediate examination. If the law enforcement officer or QMHP observes committable conduct directly, they may take the person into temporary custody without a warrant.
Third party involvement	Yes—interested party can file application with certificate from licensed physician
Legal criteria	Individual is a person in need of treatment, and he or she presents an immediate risk of serious injury to himself or herself or others if not restrained
Maximum time held before hearing	Individual must be examined and certified within 24 hours of initial certification for emergency evaluation. If psychiatrist agrees person is in need of treatment, hospitalization may continue for 72 hours. Person may request a preliminary hearing which must occur within three days of application.
Statute	VT. STAT. ANN. tit. 18, § 7505(a)
Treatment commitment	
Third party filing?	Yes—any interested party includes guardian, spouse, parent, adult child, close adult relative, responsible adult friend or caregiver, health professional or officer
Legal criteria	Individual is "a person in need of treatment" (has a mental illness and poses a danger of harm to himself, to herself, or to others). Dangerousness does not have to be imminent, and may include previous history of decompensation.
...same as emergency criteria?	No—emergency examination requires immediate risk
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	90 days (inpatient and outpatient)
Length of renewal	up to one year, if the commissioner believes the individual needs further treatment
Statute	VT. STAT. ANN. tit. 18, § 7615
Outpatient treatment (least restrictive alternatives)	
Circumstances	If the court finds that a treatment program other than hospitalization is adequate to meet the person's treatment needs, the court shall order the person to receive whatever treatment other than hospitalization is appropriate for a period of 90 days. Head of hospital may also conditionally discharge patient to outpatient treatment program.
Procedure for non-compliance	If it comes to the attention of the court that the patient is not complying with the order the court may, after proper hearing: 1) modify its original order, and direct the patient to undergo another program of alternative treatment for the remainder of the 90-day period; or 2) enter a new order directing that the patient be hospitalized for the remainder of the 90-day period.
Statute	VT. STAT. ANN. tit. 18, § 181.7618
Notes	A non-emergency involuntary treatment admission must also include an application by QMHP or interested party and a psychiatrist. Non-emergency disposition may take between 30-90 days in Family Court.

Online Statute: <http://legislature.vermont.gov/statutes/chapter/18/179>

Virginia Civil Commitment Laws

Emergency detention	
Who may detain?	Removal of individual to hospital occurs when a magistrate issues an emergency custody order, which permits law enforcement to take individual into custody for evaluation. Once the individual is examined by a certified prescreener, a temporary detention order (TDO) can be entered if person meets detention criteria.
Third party involvement	Yes—any responsible person or treating physician
Legal criteria	Person has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future cause serious physical harm to himself or others or suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs
Maximum time held before hearing	Up to eight hours in emergency custody, 72 hours in temporary detention
Statute	VA CODE ANN. § 37.2-808
Treatment commitment	
Third party filing?	Yes—any responsible person has right to petition court
Legal criteria	Person has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future cause serious physical harm to himself or others or suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	Not more than 30 days for inpatient, no more than 90 days for outpatient.
Length of renewal	Up to 180 days for inpatient and outpatient.
Statute	VA CODE ANN. § 37.2.814
Outpatient treatment (least restrictive alternatives)	
Circumstances	Court may order involuntary outpatient commitment if it finds that 1) involuntary criteria are met, 2) the patient expresses an interest in living in the community and agrees to abide by his treatment plan; 3) the patient is deemed to have the capacity to comply with the treatment plan, and 4) the ordered treatment can be delivered on an outpatient basis; and can be monitored by the community services board or designated providers.
Procedure for non-compliance	Providers notify the community service board (CSB) of any noncompliance. If the board determines noncompliance has occurred and that the individual will cause serious harm to themselves or others, or will suffer serious harm due to lack of capacity to protect themselves or provide for their basic human needs, they shall request that the magistrate issue an emergency custody order and revoke mandatory outpatient treatment.
Statute	VA. STAT. ANN. § 37.2-817
Notes	Mandatory Outpatient Treatment (MOT) includes a 'step-down' option where the court authorizes the treating physician to place previously non-compliant persons on a period of MOT (not to exceed length of original order) upon hospital discharge. Virginia also has an online Psychiatric Bed Registry to monitor bed availability.

Online Statute: <http://lis.virginia.gov/cgi-bin/legp604.exe?000+cod+37.2-811>

Washington Civil Commitment Laws

Emergency detention	
Who may detain?	A peace officer may take person into custody and immediately deliver him/her to a triage facility, crisis stabilization unit, evaluation and treatment facility, or the emergency department. Within twelve hours of arrival, the designated mental health professional must determine whether the individual meets detention. A county-appointed Designated Mental Health Professional (DMHP) also has the authority to screen individuals for involuntary commitments and authorize transfer to approved facility.
Third party involvement	Yes—if DMHP decides not to detain following investigation, an immediate family member or guardian may directly petition Superior Court for review (effective July 2015)
Legal criteria	Reasonable cause to believe that such person is suffering from a mental disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled
Maximum time held before hearing	Person detained by law enforcement must receive investigation by DMHP within 12 hours (following medical clearance). Once admitted, hospital or facility evaluator must determine that further inpatient care is necessary and must file court petition within 72 hours (excluding weekends and holidays).
Statute	REV. CODE WASH. § 71.05.153
Treatment commitment	
Third party filing?	Yes—process to petition for court review if person not detained within 48 hours of DMHP investigation
Legal criteria	The person must have a mental disorder and, as a result of the mental disorder present a danger to self, others or property and/or be unable to provide for basic needs of safety or health (gravely disabled)
...same as emergency criteria?	Yes—if likelihood of serious harm is not imminent (non-emergent), judicial order must be obtained for emergency detention (may be issued ex-parte)
...grave disability?	Yes
...need for treatment?	Yes—can be used as sole criteria for outpatient treatment only
Length of initial order	On initial hearing, court may order continuance of 14-day "more restrictive" inpatient commitment or a 90-day less restrictive outpatient treatment alternative
Length of renewal	90- or 180-day more restrictive order (at state psychiatric hospital)
Statute	REV. CODE WASH. § 71.05.160
Outpatient treatment (least restrictive alternatives)	
Circumstances	Historically, Least Restrictive Alternative (LRA) orders were used to specify outpatient treatment participation for 90-day periods. A newly enacted (2015) law expands outpatient treatment and permits up to one year of court-ordered treatment for persons with a previous commitment history.
Procedure for non-compliance	Appointed treatment agencies may request a court hearing if individual fails to comply with an LRA order. The person may be transported to a treatment facility for up to 12 hours while DMHP determines whether a petition for revocation should be filed. Petition for revocation must be heard within five days.
Statute	REV. CODE WASH. § 71.05.340

Online Statute: <http://apps.leg.wa.gov/rcw/default.aspx?cite=71.05>

West Virginia Civil Commitment Laws

Emergency detention	
Who may detain?	Any adult may file an application for involuntary custody for mental health examination in circuit court. At an informal hearing, a mental hygiene commissioner or magistrate may issue an custody and examination order directing sheriff to detain individual.
Third party involvement	Yes—any adult person.
Legal criteria	Individual is mentally ill and, because of his or her mental illness, the individual is likely to cause serious harm to himself, herself or to others if allowed to remain at liberty while awaiting an examination and certification by physician or psychologist
Maximum time held before hearing	Probable cause hearing must occur within 24 hours of examination—48 hour continuance possible (72 hours total)
Statute	W. VA. CODE §27-5-2 (a)
Treatment commitment	
Third party filing?	Yes—any adult person having personal knowledge of the facts of the case can file an application
Legal criteria	Individual is mentally ill and, because of his or her mental illness, the individual is likely to cause serious harm to himself, herself or to others if allowed to remain at liberty while awaiting an examination and certification by physician or psychologist
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Initial commitment lasts 15 days
Length of renewal	Indeterminate - but psychiatric evaluation must occur no less than every three months
Statute	W. VA. CODE §27-5-3
Outpatient treatment (least restrictive alternatives)	
Circumstances	Individuals with a history of previous psychiatric hospitalizations (two in 24 months) and treatment non-compliance may receive a treatment compliance order for up to six months. The order may require an individual to take medication as prescribed and attend scheduled treatment appointments.
Procedure for non-compliance	Reasonable entity appointed to oversee treatment. If an individual has not complied with the terms of a medication and treatment compliance order and ... the circuit judge or mental hygiene commissioner considers it necessary to protect the individual or to secure his or her examination, a detention order may be entered to require that the individual be examined by a psychiatrist or psychologist.
Statute	W. VA. CODE §27-5-11
Notes	A second hearing for the final commitment may be either for a temporary observation period which expires at the end of six months, or an order of indeterminate length which may expire at the end of two years.

Online Statute: <http://www.legis.state.wv.us/wvcode/code.cfm?chap=27&art=5#>

Wisconsin Civil Commitment Laws

Emergency detention	
Who may detain?	A law enforcement officer can detain an individual believed to meet commitment criteria. The detention can be based on behavior witnessed by personal observation or by information reliably reported to the officer.
Third party involvement	Yes—may be initiated by three party petition of adult persons
Legal criteria	Individual is mentally ill, drug dependent, or developmentally disabled and is dangerous to him or herself evidenced by substantial probability of physical harm
Maximum time held before hearing	A preliminary examination must be conducted by an examiner within 24 hours after the detention. A probable cause hearing must be held within 72 hours from the date of detention (excluding weekends and holidays)
Statute	WIS. STAT. ANN. 51.15(1)(a)
Treatment commitment	
Third party filing?	Yes—may be initiated by three party petition of adult persons (at least one of whom has personal knowledge of the of the conduct of the individual)
Legal criteria	Individual is mentally ill, drug dependent, or developmentally disabled and is dangerous to him or herself evidenced by substantial probability of physical harm, or in need of care or treatment to prevent further disability or deterioration
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	Yes
Length of initial order	First order may not exceed a period of six months
Length of renewal	Can be renewed up to one year
Statute	WIS. STAT. ANN 51.20
Outpatient treatment (least restrictive alternatives)	
Circumstances	The subject individual, or the individual's legal counsel with the individual's consent, may agree at any time after the commencement of the proceedings that the individual shall obtain treatment under a settlement agreement. The settlement agreement shall be in writing, shall be approved by the court and shall include a treatment plan that provides for treatment in the least restrictive manner consistent with the needs of the subject individual. Either party may request the court to modify the treatment plan at any time during the 90-day period.
Procedure for non-compliance	The court shall designate the appropriate county department to monitor the individual's treatment under, and compliance with, the settlement agreement. If the individual fails to comply with the treatment according to the agreement, the designated county department shall notify the designated counsel.
Statute	WIS. STAT. ANN. § 51.20(13)
Notes	Commitments using the "fourth standard" of dangerousness may not last longer than 45 days in 365 day period. Commitments using the "fifth standard" (need for treatment) may only include 30 days of inpatient care.

Online Statute: <https://docs.legis.wisconsin.gov/statutes/statutes/51/20#>

Wyoming Civil Commitment Laws

Emergency detention	
Who may detain?	When a law enforcement officer or examiner has reasonable cause, a person may be detained. Immediately after detaining individual, the officer must contact an examiner (licensed health professional).
Third party involvement	Yes
Legal criteria	Individual is dangerous to him/her self or others as a result of a mental illness as indicated by substantial probability of physical harm or inability to meet basic needs
Maximum time held before hearing	Not more than 72 hours (excluding weekends and holidays)
Statute	WYO. STAT. ANN. § 25-10-109(a)
Treatment commitment	
Third party filing?	Yes—no restrictions on who can file an application for nonemergency commitment
Legal criteria	Dangerous to himself or others as a result of a mental illness, meaning that the individual evidences probability of physical harm to himself through threats or actions, probability of physical harm to others evidenced by overt homicidal/violent acts or threats, or shows evidence that, due to mental illness, the individual cannot satisfy basic needs for nourishment, medical care, shelter or safety
...same as emergency criteria?	Yes
...grave disability?	Yes
...need for treatment?	No
Length of initial order	Continued detention may be ordered for up to 10 days.
Length of renewal	Three months after admission to hospital, head of hospital must determine if patient still requires hospitalization; patients are re-evaluated every 6 months thereafter.
Statute	WYO. STAT. ANN. § 25-10-101
Outpatient treatment (least restrictive alternatives)	
Circumstances	If the court finds that the proposed patient does not require continuous inpatient hospitalization, would be more appropriately treated in an outpatient treatment program or a combination of outpatient and inpatient treatment or will be able to appropriately control his illness by following a prescribed treatment plan, the court shall consider such treatment options.
Procedure for non-compliance	The court may suspend conditional outpatient treatment order for failure to meet the following conditions and order involuntary hospitalization: periodic reporting, continuation of medication and submission to testing and restriction of travel, consumption of alcoholic beverages or drugs, associations with other persons or other reasonable conditions as the court may specify.
Statute	WYO. STAT. ANN. § 25-10-110 (j)(ii)

Online Statute: <http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title25/T25CH10.htm#>

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Document No. 15-07-3401



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