

COURT ORDER FOR MENTAL HEALTH TREATMENT

A person eighteen years of age or older may be ordered by the court to comply with mental health treatment. If ordered to treatment, the person may be ordered to inpatient treatment at a hospital, or to outpatient treatment in a community based clinic, or combination of inpatient and outpatient treatment. Treatment may also include provisions such as taking medication prescribed by the provider.

Any responsible individual may submit an application for involuntary evaluation of a person who is alleged to be, as a result of a mental disorder, a danger to self or to others, persistently or acutely disabled, or gravely disabled and who is unwilling or unable to undergo a voluntary evaluation. The responsible individual submitting an application for involuntary evaluation may be someone such as a family member, case manager, or any other person in the community. The responsible individual must present facts to support the allegations made in the application.

The application for involuntary evaluation is submitted to a health care agency that conducts a prepetition screening of the allegedly mentally disordered person. The screening agency reviews the allegations presented in the application, gathers relevant information, and conducts an interview with the person if possible. The screening agency then determines if there is reasonable cause to believe that the person is, as a result of a mental disorder, a danger to self or to others, is persistently and acutely disabled, or is gravely disabled and if the proposed patient is unable or unwilling to receive an evaluation on a voluntary basis. If reasonable cause exists, an examiner from the screening agency may file a petition for court ordered evaluation subjecting the person to a mental health evaluation. The petition for court evaluation may be conducted on an outpatient basis or the court may require the person be hospitalized for the evaluation.

An application for involuntary evaluation may be accompanied by an application for emergency admission if the person is an immediate danger to self or others. An emergent application may be submitted when the proposed patient is likely to suffer serious physical harm or serious illness or is likely to inflict serious physical harm upon another individual if not immediately hospitalized. The application for emergency admission must state the specific nature of the danger and a summary of the observations upon which the statement of danger is based.

Again, the screening agency reviews the allegations presented in the application, the application for emergency admission, gathers relevant information, and conducts an interview with the person. The screening agency then determines if there is reasonable cause to believe that the person is, as a result of a mental disorder, a danger to self or to others, is persistently and acutely disabled, or is gravely disabled and if the person is unable or unwilling to receive an evaluation on a voluntary basis. If reasonable cause exists, an examiner from the screening agency may file a petition for court ordered evaluation subjecting the proposed patient to a mental health evaluation.

The court reviews the petition for court ordered evaluation filed by the examiner, the supporting application for court ordered evaluation and application for emergency admission or prescreen report. If reasonable cause exists to believe the person is, as a result of a mental disorder, a danger to self or to others, is persistently and acutely disabled, or is gravely disabled and if the person is unable or unwilling to receive an evaluation on a voluntary basis, the court issues a detention order for involuntary hospitalization and evaluation. The court appoints legal counsel for the person at the time the detention order is signed.

During the course of the evaluation, at least two physicians must meet with the person and conduct an exploration of the person's present mental condition, review records and past psychiatric history, and consider circumstances leading up to the person's current presentation. The physicians must determine if the person is in need of treatment because the person, as a result of a mental disorder, is a danger to self or others, persistently or acutely disabled, or gravely disabled. The physicians must also determine if the person is willing or able to accept

treatment voluntarily. The evaluating physician may recommend immediate treatment for the person, including medication, but the person maintains the right to refuse treatment during the time of the evaluation.

A petition for court ordered treatment is filed with the court if the affidavits of the evaluating physicians allege that the person is in need of treatment because the person, as a result of a mental disorder, is a danger to self or others, persistently or acutely disabled, or gravely disabled and unwilling or unable to accept treatment voluntarily. A hearing is scheduled between four and six working days of the filing of the petition for court ordered treatment. In addition to the evidence provided by the evaluating physicians, the petitioner must present evidence provided by two or more witnesses acquainted with the person at the time of the alleged mental disorder. The person and legal counsel have the right to be present at the hearing and introduce evidence.

After the evidence has been presented to the court, the court decides if clear and convincing evidence has been presented to prove the petitioner's allegation that the person is in need of treatment because the person, as a result of a mental disorder, is a danger to self or others, persistently or acutely disabled, or gravely disabled and unwilling or unable to accept treatment voluntarily. If clear and convincing evidence has been presented, the court may order treatment. The person may be ordered to inpatient treatment at a hospital, or to outpatient treatment in a community based clinic, or combination of inpatient and outpatient treatment. Treatment may also include provisions such as taking medication prescribed by the provider.

The court sets time limits for both inpatient and outpatient treatment. The maximum period for court ordered treatment is 365 days. The maximum period for inpatient treatment is up to 90 days for a person found to be a danger to self, up to 180 days for a person found to be dangerous to others or persistently or acutely disabled, and up to 365 days inpatient days for a gravely disabled person.

All persons placed under order for treatment are designated prohibited possessors and may not possess weapons or ammunition during the time of the order. A person may seek to have their right to possess weapons restored after the expiration of the court order for treatment.

A person placed under a court order for treatment has the right to request a judicial review 60 days after the imposition of the order and every 60 days thereafter. Judicial review is a means of making the court aware of changed circumstances affecting the person's ongoing need for court ordered treatment. If appropriate, the court may change the terms of the order for treatment or terminate the order entirely. A person also has the right to appeal the court order. An appeal is based on legal grounds and may not be decided for many months.

Court orders based on grave disability and persistent and acute disability may be extended in an annual examination/renewal. If renewal of the court order is sought, the court appoints legal counsel to represent the person. The person may request a hearing on the requested renewal and the party seeking the renewal of the order must present clear and convincing evidence to the court that the person is in need of continued treatment and is unwilling or unable to accept treatment voluntarily. Again, the maximum period for court ordered treatment is 365 days with the maximum period of inpatient treatment being 180 days for persistent or acutely disability or 365 days for grave disability. The right to judicial review and appeal apply.