

# STATE STANDARDS FOR INITIATING INVOLUNTARY TREATMENT

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# Alabama

## **INPATIENT OR OUTPATIENT COMMITMENT**

ALA. CODE § 22-52-1.2(a). Any person may file a petition seeking the involuntary commitment of another person.

## **EMERGENCY EVALUATION**

ALA. CODE § 22-52-91(a) When a law enforcement officer is confronted by circumstances and has reasonable cause for believing that a person within the county [meets the criteria for emergency evaluation], the law enforcement officer shall contact a community mental health officer. The community mental health officer shall join the law enforcement officer at the scene and location of the person to assess conditions and determine if the person needs the attention, specialized care, and services of a designated mental health facility. If the community mental health officer determines from the conditions, symptoms, and behavior that the person appears to be mentally ill and poses an immediate danger to self or others, the law enforcement officer shall take the person into custody and, together with the community mental health officer, deliver the person directly to the designated mental health facility.

# Alaska

## **INPATIENT OR OUTPATIENT COMMITMENT**

ALASKA STAT. § 47.30.730(a). The petition [for commitment] must be signed by two mental health professionals who have examined the respondent, one of whom is a physician.

## **EMERGENCY EVALUATION**

ALASKA STAT. § 47.30.700(a). Upon petition of any adult, a judge shall immediately conduct a screening investigation or direct a local mental health professional ... to conduct a screening investigation of the person.

ALASKA STAT. § 47.30.705(a). A peace officer, a psychiatrist or physician who is licensed to practice in this state or employed by the federal government, or a clinical psychologist licensed by the state Board of Psychologist and Psychological Associate Examiners who has probable cause to believe that a person [meets the criteria for emergency evaluation] may cause the person to be taken into custody and delivered to the nearest crisis stabilization center (...) or the nearest evaluation facility.

# Arizona

## **INPATIENT OR OUTPATIENT COMMITMENT**

ARIZ. REV. STAT. § 36-531(B). If it is determined on an evaluation of the patient's condition that the patient [meets the state commitment standard], the medical director in charge of the agency that provided the evaluation ... shall prepare, sign and file a petition for court-ordered treatment unless the county attorney performs the functions of preparing, signing or filing the petition[.]

## **EMERGENCY EVALUATION**

ARIZ. REV. STAT. § 36-520(A). Any responsible individual may apply for a court-ordered evaluation of a

person who is alleged to [meet the state commitment standard] and who is unwilling or unable to undergo a voluntary evaluation.

ARIZ. REV. STAT. § 36-524(B). The application for emergency admission shall be made by a person with knowledge of the facts requiring emergency admission. The applicant may be a relative or friend of the person, a peace officer, the admitting officer or another responsible person.

## Arkansas

### INPATIENT OR OUTPATIENT COMMITMENT

ARK. CODE ANN. § 20-47-207(a). Any person having reason to believe that a person meets the criteria for involuntary admission ... may file a verified petition with the probate clerk of the county in which the person alleged to have mental illness resides or is detained.

### EMERGENCY EVALUATION

ARK. CODE ANN. § 20-47-210(a). Whenever it appears that a person [meets the criteria for emergency evaluation]:

(1) An interested citizen may take the person to a hospital or to a receiving facility or program. If no other safe means of transporting the individual is available, it shall be the responsibility of the law enforcement agency that exercises jurisdiction at the site where the individual is physically located and requiring transportation, or unless otherwise ordered by the judge[;] or

(2) Any person filing a petition for involuntary admission may append to the petition a request for immediate confinement which shall state with particularity facts personally known to the affiant which establish reasonable cause to believe that the person sought to be involuntarily admitted is in imminent danger of death or serious bodily harm or that the lives of others are in imminent danger of death or serious bodily harm due to the mental state of the person sought to be involuntarily admitted.

## California

### INPATIENT COMMITMENT (OR OUTPATIENT COMMITMENT VIA CONSERVATORSHIP)

CALIF. WELF. & INST. CODE § 5250. If a person is detained for 72 hours ... and has received an evaluation, he or she may be certified for not more than 14 days of intensive treatment [if]:

The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and has found the person [meets the criteria].

(a) The facility providing intensive treatment ... agrees to admit the person.

CALIF. WELF. & INST. CODE § 5251.

(a) For a person to be certified under this article, a notice of certification shall be signed by two people.

(1) The first person shall be the professional person, or his or her designee, in charge of the agency or facility providing evaluation services. A designee of the professional person in charge of the agency or facility shall be a physician or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders.

(2) The second person shall be a physician or psychologist who participated in the evaluation. The physician shall be, if possible, a board certified psychiatrist. The psychologist shall be licensed and

have at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders.

(b) If the professional person in charge, or his or her designee, is the physician who performed the medical evaluation or a psychologist, the second person to sign may be another physician or psychologist unless one is not available, in which case a licensed clinical social worker or a registered nurse who participated in the evaluation shall sign the notice of certification.

**OUTPATIENT COMMITMENT (“ASSISTED OUTPATIENT TREATMENT”)\***

*\* Available only in counties that have “opted in” by Board of Supervisors action; otherwise outpatient commitment only permitted via conservatorship process. This provision will be repealed as of July 1, 2021.*

CALIF. WELF. & INST. CODE § 5346(b)(1). A petition for an order authorizing assisted outpatient treatment may be filed by the county mental health director, or his or her designee, in the superior court in the county in which the person who is the subject of the petition is present or reasonably believed to be present.

CALIF. WELF. & INST. CODE § 5346(b)(2). A request may be made only by any of the following persons to the county mental health department for the filing of a petition to obtain an order authorizing assisted outpatient treatment:

- (A) Any person 18 years of age or older with whom the person who is the subject of the petition resides.
- (B) Any person who is the parent, spouse, or sibling or child 18 years of age or older of the person who is the subject of the petition.
- (C) The director of any public or private agency, treatment facility, charitable organization, or licensed residential care facility providing mental health services to the person who is the subject of the petition in whose institution the subject of the petition resides.
- (D) The director of a hospital in which the person who is the subject of the petition is hospitalized.
- (E) A licensed mental health treatment provider who is either supervising the treatment of, or treating for a mental illness, the person who is the subject of the petition.
- (F) A peace officer, parole officer, or probation officer assigned to supervise the person who is the subject of the petition.

**EMERGENCY EVALUATION**

CALIF. WELF. & INST. CODE § 5201. Any individual may apply to the person or agency designated by the county for a petition alleging that there is in the county a person who is, as a result of mental disorder a danger to others, or to himself, or is gravely disabled, and requesting that an evaluation of the person's condition be made.

CALIF. WELF. & INST. CODE § 5150. When any person [meets the criteria for emergency evaluation], a peace officer, member of the attending staff... of an evaluation facility..., designated members of a mobile crisis team ..., or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72 hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment [.]

<h1>Colorado</h1>
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**INPATIENT OR OUTPATIENT COMMITMENT**

COLO. REV. STAT. § 27-65-107. (1) If a person detained for seventy-two hours ... or a respondent under court order for evaluation ... has received an evaluation, he or she may be certified for not more than three months of short-term treatment. ... (2) The notice of certification must be signed by a professional person on the staff of the evaluation facility who participated in the evaluation[.]

COLO. REV. STAT. § 27-65-108. If the professional person in charge of the evaluation and treatment believes that a period longer than three months is necessary for treatment of the respondent, he or she shall file with the court an extended certification.

COLO. REV. STAT. § 27-65-109(1). Whenever a respondent has received short-term treatment for five consecutive months ..., the professional person in charge of the evaluation and treatment may file a petition with the court for long-term care and treatment of the respondent[.]

### **EMERGENCY EVALUATION**

COLO. REV. STAT. § 27-65-105(1)(a)(II). The following persons may effect a seventy-two-hour hold[:]

(A) A certified peace officer;

(B) A professional person;

(C) A registered professional nurse ... who by reason of postgraduate education and additional nursing preparation has gained knowledge, judgment, and skill in psychiatric or mental health nursing;

(D) A licensed marriage and family therapist, licensed professional counselor, or [licensed] addiction counselor ... who by reason of postgraduate education and additional preparation has gained knowledge, judgment, and skill in psychiatric or clinical mental health therapy, forensic psychotherapy, or the evaluation of mental disorders; or

(E) A licensed clinical social worker[.]

COLO. REV. STAT. § 27-65-106(2). Any individual may petition the court in the county in which the respondent resides or is physically present alleging that there is a person who appears to have a mental illness and, as a result of the mental illness, appears to be a danger to others or to himself or herself or appears to be gravely disabled and requesting that an evaluation of the person's condition be made.

## **Connecticut\***

*\* Connecticut does not have an outpatient commitment law.*

### **INPATIENT COMMITMENT**

CONN. GEN. STAT. ANN. § 17a-497(a). [S]uch application may be filed by any person and, if any person with psychiatric disabilities is at large and dangerous to the community, the first selectman or chief executive officer of the town in which he or she resides or in which he or she is at large shall make such application.

### **EMERGENCY EVALUATION**

CONN. GEN. STAT. ANN. § 17a-502(a). Any person who a physician concludes has psychiatric disabilities and is dangerous to himself or others or gravely disabled, and is in need of immediate care and treatment in a hospital for psychiatric disabilities, may be confined in such a hospital, either public or private, under an emergency certificate[.]

CONN. GEN. STAT. ANN. § 17a-503(a). Any police officer who has reasonable cause to believe that a person [meets the criteria for emergency evaluation] may take such person into custody and take or cause such person to be taken to a general hospital for emergency examination[.] (b) Upon application by any person to the court of probate ... alleging that any respondent [meets the criteria for emergency evaluation] such court may issue a warrant for the apprehension and bringing before it of such respondent and examine such respondent. If the court determines that there is probable cause to believe that such person [meets the criteria for emergency evaluation], the court shall order that such respondent be taken to a general hospital for examination[.]

CONN. GEN. STAT. ANN. § 17a-503(c). Any psychologist ... who has reasonable cause to believe that a person [meets the criteria for emergency evaluation] may issue an emergency certificate in writing that authorizes and directs that such person be taken to a general hospital for purposes of a medical examination[.]

CONN. GEN. STAT. ANN. § 17a-503(d). Any clinical social worker ... or advanced practice registered nurse ... who (1) has received a minimum of eight hours of specialized training in the conduct of direct evaluations as a member of (A) any mobile crisis team, jail diversion program, crisis intervention team, advanced supervision and intervention support team, or assertive case management program operated by or under contract with the Department of Mental Health and Addiction Services, or (B) a community support program certified by the Department of Mental Health and Addiction Services, and (2) based upon the direct evaluation of a person, has reasonable cause to believe that such person [meets the criteria for emergency evaluation] may issue an emergency certificate in writing that authorizes and directs that such person be taken to a general hospital for purposes of a medical examination[.]

## Delaware

### **INPATIENT OR OUTPATIENT COMMITMENT**

DEL. CODE ANN. tit. 16 § 5008(a). If an involuntary patient has not been discharged by the hospital by the end of the 48 hour provisional admission period, the hospital shall file a verified complaint for involuntary civil commitment in the Superior Court or in the Family Court if the involuntary patient would otherwise be amenable to Family Court jurisdiction under other provisions of law.

### **EMERGENCY EVALUATION**

DEL CODE ANN. tit. 16 § 5004(a). Any person who believes that another person's behavior is both the product of a mental condition and is dangerous to self or dangerous to others may notify a peace officer or a credentialed mental health screener or juvenile mental health screener and request assistance for said person.

DEL CODE ANN. tit. 16 § 5004(b). An emergency detention may only be initiated by a credentialed mental health screener[.]

DEL CODE ANN. tit. 16 § 5001(2). "Credentialed mental health screener" means an individual who is:

- a. A psychiatrist; or
- b. A licensed mental health professional who is credentialed by the Department to provide emergency screening services and evaluation of the need for involuntary observation and treatment for a mental condition; or
- c. An unlicensed mental health professional who works under the direct supervision of a psychiatrist and who is credentialed by the Department to provide emergency screening services and evaluation of the need for involuntary observation and treatment for a mental condition;
- d. A physician with a valid State of Delaware license to practice medicine and who is credentialed

by the Department to provide emergency screening services and evaluation of the need for involuntary observation and treatment for a mental condition; or

e. A physician with a valid license to practice medicine who works in a United States Department of Veterans Affairs medical center, located in the State, and who is credentialed by the Department to provide, for patients seen in the physician's employment by the United States Department of Veterans Affairs medical center, emergency screening services and evaluation of the need for involuntary observation and treatment for a mental condition.

## **District of Columbia**

### **INPATIENT OR OUTPATIENT COMMITMENT**

D.C. CODE ANN. § 21-541(a). Proceedings for the judicial commitment of a person in the District of Columbia may be commenced by the filing of a petition with the Commission by his spouse, parent, or legal guardian, by a physician or a qualified psychologist, by a duly accredited officer or agent of the Department, by the Director of the Department or the Director's designee, or by an officer authorized to make arrests in the District of Columbia.

### **EMERGENCY EVALUATION**

D.C. CODE ANN. § 21-521. An accredited officer or agent of the Department of Mental Health of the District of Columbia, or an officer authorized to make arrests in the District of Columbia, or a physician or qualified psychologist of the person in question, who has reason to believe that a person is mentally ill and, because of the illness, is likely to injure himself or others if he is not immediately detained may, without a warrant, take the person into custody.

## **Florida**

### **INPATIENT COMMITMENT**

FLA. STAT. § 394.467(3). The administrator of the facility shall file a petition for involuntary inpatient placement in the court in the county where the patient is located.

### **OUTPATIENT COMMITMENT (“INVOLUNTARY OUTPATIENT SERVICES”)**

FLA. STAT. § 394.4655(4)(a). A petition for involuntary outpatient services may be filed by:

1. The administrator of a receiving facility; or
2. The administrator of a treatment facility.

### **EMERGENCY EVALUATION**

FLA. STAT. § 394.463(2)(a). An involuntary examination may be initiated by any one of the following means:

1. A circuit or county court may enter an ex parte order stating that a person appears to meet the criteria for involuntary examination and specifying the findings on which that conclusion is based. The ex parte order for involuntary examination must be based on written or oral sworn testimony that includes specific facts that support the findings.
2. A law enforcement officer shall take a person who appears to meet the criteria for involuntary

examination into custody and deliver the person or have him or her delivered to an appropriate, or the nearest, [receiving] facility ... for examination.

3. A physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker may execute a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based.

## Georgia

### **INPATIENT OR OUTPATIENT COMMITMENT**

GA. CODE ANN. § 37-3-61(2). Any person may file with the court a petition executed under oath alleging that a person within the county is a mentally ill person requiring involuntary treatment. The petition must be accompanied by the certificate of a physician or psychologist stating that he has examined the patient within the preceding five days and has found that the patient may be a mentally ill person requiring involuntary treatment and that a full evaluation of the patient is necessary.

GA. CODE ANN. § 37-3-41(a). Any physician within this state may execute a certificate stating that he has personally examined a person within the preceding 48 hours and found that, based upon observations set forth in the certificate, the person appears to be a mentally ill person requiring involuntary treatment.

### **EMERGENCY EVALUATION**

GA. CODE ANN. § 37-3-41(a). Any physician within this state may execute a certificate stating that he or she has personally examined a person within the preceding 48 hours and found that, based upon observations set forth in the certificate, such person appears to be a mentally ill person requiring involuntary treatment.

GA. CODE ANN. § 37-3-42(a). A peace officer may take any person to a physician within the county or an adjoining county for emergency examination by the physician, or directly to an emergency receiving facility if (1) the person is committing a penal offense, and (2) the peace officer has probable cause for believing that the person is a mentally ill person requiring involuntary treatment.

GA. CODE ANN. § 37-3-61(1). Any person may file an application executed under oath with the community mental health center for a court ordered evaluation of a person located within that county who is alleged by such application to be a mentally ill person requiring involuntary treatment.

GA. CODE ANN. § 37-3-61(2). Any person may file with the court a petition executed under oath alleging that a person within the county is a mentally ill person requiring involuntary treatment. The petition must be accompanied by the certificate of a physician or psychologist stating that he has examined the patient within the preceding five days and has found that the patient may be a mentally ill person requiring involuntary treatment and that a full evaluation of the patient is necessary.

## Hawaii

### **INPATIENT COMMITMENT**

HAW. REV. STAT. § 334-60.3(a). Any person may file a petition alleging that a person located in the county meets the criteria for commitment to a psychiatric facility.

### **OUTPATIENT COMMITMENT (“ASSISTED COMMUNITY TREATMENT”)**

HAW. REV. STAT. § 334-123(a). Any interested party may file a petition with the family court alleging that another person meets the criteria for assisted community treatment.

HAW. REV. STAT. § 334-122. "Interested party" means a parent, grandparent, spouse, sibling, adult child, reciprocal beneficiary, service provider, case manager, outreach worker, or mental health professional.

### **EMERGENCY EVALUATION**

HAW. REV. STAT. § 334-59(a)(1). If a law enforcement officer has reason to believe that a person is imminently dangerous to self or others, the officer shall call for assistance from the mental health emergency workers designated by the director.

HAW. REV. STAT. § 334-59(a)(2). Upon written or oral application of any licensed physician, advanced practice registered nurse, psychologist, attorney, member of the clergy, health or social service professional, or any state or county employee in the course of employment, a judge may issue an ex parte order [if the judge finds probable cause that the person meets criteria for emergency evaluation].

HAW. REV. STAT. § 334-59(a)(3). Any licensed physician, advanced practice registered nurse, physician assistant, or psychologist who has examined a person and has reason to believe the person [meets criteria for emergency evaluation] may direct transportation, by ambulance or other suitable means, to a licensed psychiatric facility for further evaluation and possible emergency hospitalization.

## **Idaho**

### **INPATIENT OR OUTPATIENT COMMITMENT**

IDAHO CODE § 66-329(1). Proceedings for the involuntary care and treatment of mentally ill persons by the department of health and welfare may be commenced by the filing of a written application with a court of competent jurisdiction by a friend, relative, spouse or guardian of the proposed patient, or by a licensed physician, prosecuting attorney, or other public official of a municipality, county or of the state of Idaho, or the director of any facility in which such patient may be.

### **EMERGENCY EVALUATION**

IDAHO CODE § 66-326(1). [A] person may be taken into custody by a peace officer and placed in a facility, or the person may be detained at a hospital at which the person presented or was brought to receive medical or mental health care, if the peace officer or a physician medical staff member of such hospital or a physician's assistant or advanced practice registered nurse practicing in such hospital has reason to believe that the person [meets the criteria for emergency evaluation].

## **Illinois**

### **INPATIENT COMMITMENT**

405 ILL. COMP. STAT. 5/3-701(a). Any person 18 years of age or older may execute a petition asserting that another person is subject to involuntary admission on an inpatient basis.

### **OUTPATIENT COMMITMENT**

405 ILL. COMP. STAT. 5/3-751(a). Any person 18 years of age or older may execute a petition asserting that another person is subject to involuntary admission on an outpatient basis.

## **EMERGENCY EVALUATION**

405 ILL. COMP. STAT. 5/3-601(a). When a person is asserted to be subject to involuntary admission on an inpatient basis and in such a condition that immediate hospitalization is necessary for the protection of such person or others from physical harm, any person 18 years of age or older may present a petition to the facility director of a mental health facility in the county where the respondent resides or is present. The petition may be prepared by the facility director of the facility.

405 ILL. COMP. STAT. 5/3-606. A peace officer may take a person into custody and transport him to a mental health facility when the peace officer has reasonable grounds to believe that the person is subject to involuntary admission on an inpatient basis and in need of immediate hospitalization to protect such person or others from physical harm.

405 ILL. COMP. STAT. 5/3-607. Court ordered temporary detention and examination. When, as a result of personal observation and testimony in open court, any court has reasonable grounds to believe that a person appearing before it is subject to involuntary admission on an inpatient basis and in need of immediate hospitalization to protect such person or others from physical harm, the court may enter an order for the temporary detention and examination of such person.

# Indiana

## **INPATIENT OR OUTPATIENT COMMITMENT**

IND. CODE ANN. § 12-26-6-2(b). A petitioner [for “temporary commitment” of up to 90 days] must be at least eighteen (18) years of age.

IND. CODE ANN. § 12-26-7-2(b). A proceeding [for “regular commitment” of more than 90 days] may be begun by filing with a court having jurisdiction a written petition by any of the following:

- (1) A health officer.
- (2) A police officer.
- (3) A friend of the individual.
- (4) A relative of the individual.
- (5) The spouse of the individual.
- (6) A guardian of the individual.
- (7) The superintendent of a facility where the individual is present.
- (8) A prosecuting attorney in accordance with IC 35-36-2-4.
- (9) A prosecuting attorney or the attorney for a county office if civil commitment proceedings are initiated under IC 31-34-19-3 or IC 31-37-18-3.
- (10) A third party that contracts with the division of mental health and addiction to provide competency restoration services to a defendant under IC 35-36-3-3 or IC 35-36-3-4.

## **EMERGENCY EVALUATION**

IND. CODE ANN. § 12-26-4-1. A law enforcement officer ... may ... (1) [a]pprehend and transport the individual [who appears to meet criteria] to the nearest appropriate facility.

IND. CODE ANN. § 12-26-5-1(a). An individual may be detained in a facility for not more than seventy-two (72) hours under this chapter, excluding Saturdays, Sundays, and legal holidays, if a written application for detention is filed with the facility. [*Ed. Note: Statute places no limitation on who may file such application.*]

## Iowa

### **INPATIENT OR OUTPATIENT COMMITMENT**

IOWA CODE § 229.6(1). Proceedings for the involuntary hospitalization of an individual ... may be commenced by any interested person by filing a verified application with the clerk of the district court of the county where the respondent is presently located, or which is the respondent's place of residence.

### **EMERGENCY EVALUATION**

IOWA CODE § 229.22(2a). In the [absence of immediate access to the district court for an application for involuntary hospitalization], any peace officer who has reasonable grounds to believe that a person [meets the criteria for emergency evaluation] may without a warrant take or cause that person to be taken to the nearest available facility or hospital. A person believed mentally ill, and likely to injure the person's self or others if not immediately detained, may be delivered to a facility or hospital by someone other than a peace officer.

## Kansas

### **INPATIENT OR OUTPATIENT COMMITMENT**

KAN. STAT. ANN. § 59-2957(a). A verified petition to determine whether or not a person is a mentally ill person subject to involuntary commitment for care and treatment under this act may be filed in the district court of the county wherein that person resides or wherein such person may be found. [*Ed. Note: Statute places no limitation upon whom may petition the court.*]

### **EMERGENCY EVALUATION**

KAN. STAT. ANN. § 59-2953(a). Any law enforcement officer who has a reasonable belief formed upon investigation that a person [meets the criteria for emergency evaluation] may take the person into custody without a warrant. (...) [T]he officer shall transport the person to a treatment facility where the person shall be examined by a physician or psychologist on duty at the treatment facility.

KAN. STAT. ANN. § 59-2954(c). A treatment facility may admit and detain any person presented for emergency observation and treatment upon the written application of any individual, except that a state psychiatric hospital shall not admit and detain any such person, unless a written statement from a qualified mental health professional authorizing such admission to a state psychiatric hospital has been obtained.

KAN. STAT. ANN. § 59-2958(a). At the time the petition for the determination of whether a person is a mentally ill person subject to involuntary commitment for care and treatment under this act is filed, or any time thereafter prior to the trial upon the petition ..., the petitioner may request in writing that the district court issue an ex parte emergency order including either or both of the following: (1) An order directing any law enforcement officer to take the person named in the order into custody and transport the person to a designated treatment facility or other suitable place willing to receive and detain the person; (2) an order authorizing any named treatment facility or other place to detain or continue to detain the person until the further order of the court or until the ex parte emergency custody order shall expire.

# Kentucky

## **INPATIENT OR OUTPATIENT COMMITMENT**

KY. REV. STAT. ANN. § 202A.051(3). The petition shall be filed by a 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.

## **EMERGENCY EVALUATION**

KY. REV. STAT. ANN. § 202A.041(1). Any peace officer who has reasonable grounds to believe that an individual [meets the criteria for emergency evaluation] shall take the individual into custody and transport the individual without unnecessary delay to a hospital or psychiatric facility ... for the purpose of an evaluation to be conducted by a qualified mental health professional.

KY. REV. STAT. ANN. § 202A.031(1). An authorized staff physician may order the admission of any person who is present at, or is presented at, a hospital. Within twenty-four hours (excluding weekends and holidays) of the admission under this section, the authorized staff physician ordering the admission of the individual shall certify in the record of the individual that in his opinion the individual should be involuntarily hospitalized.

# Louisiana

## **INPATIENT COMMITMENT**

LA. REV. STAT. ANN. § 28:54(A). Any person of legal age may file with the court a petition which asserts his belief that a person is suffering from mental illness which contributes or causes that person to be a danger to himself or others or to be gravely disabled, or is suffering from a substance-related or addictive disorder which contributes or causes that person to be a danger to himself or others or to be gravely disabled and may thereby request a hearing.

## **OUTPATIENT COMMITMENT**

LA. REV. STAT. ANN. § 28:67. A petition to obtain an order authorizing involuntary outpatient treatment may be initiated by one of the following persons:

- (1) The director or administrator of a hospital in which the patient is hospitalized.
- (2) The director of an emergency receiving center in which the patient is receiving services.
- (3) The director of the local governing entity, or his designee, in the parish in which the patient is present or reasonably believed to be present.
- (4) Any interested person through counsel with written concurrence of the coroner in the jurisdiction in which the person is found.
- (5) The Louisiana Department of Health.

## **EMERGENCY EVALUATION**

LA. REV. STAT. ANN. § 28:53(L)(1). A peace officer or a peace officer accompanied by an emergency medical service trained technician may take a person into protective custody... when, as a result of his

personal observation, the peace officer or emergency medical service technician has reasonable grounds to believe the person is a proper subject for involuntary admission to a treatment facility[.]

LA. REV. STAT. ANN. § 28:53.2(A). Any parish coroner or judge of a court of competent jurisdiction may order a person to be taken into protective custody and transported to a treatment facility or the office of the coroner for immediate examination when a peace officer or other credible person executes a statement under private signature specifying that, to the best of his knowledge and belief, the person [meets the criteria for emergency evaluation].

## Maine

### **INPATIENT COMMITMENT**

ME. REV. STAT. ANN. tit. 34-B, § 3863(5-A). If there is need for further hospitalization of the person as determined by the chief administrative officer of the hospital, the chief administrative officer shall first determine if the person may be informally admitted[.] ... If informal admission is not suitable or is refused by the person, the chief administrative officer may seek involuntary commitment in accordance with this subsection.

### **OUTPATIENT COMMITMENT (“PROGRESSIVE TREATMENT PROGRAM”)**

ME. REV. STAT. ANN. tit. 34-B, § 3873-A(1). The superintendent or chief administrative officer of a psychiatric hospital, the commissioner, the director of an ACT team, a medical practitioner, a law enforcement officer or the legal guardian of the patient who is the subject of the application may obtain an order from the District Court to admit a patient to a progressive treatment program[.]

### **EMERGENCY EVALUATION**

ME. REV. STAT. ANN. tit. 34-B, § 3863(1). Any health officer, law enforcement officer or other person may apply to admit a person to a psychiatric hospital [on an emergency basis].

## Maryland\*

*\*Maryland does not have an outpatient commitment law.*

### **INPATIENT COMMITMENT**

MD. CODE ANN., HEALTH-GEN. § 10-614(a). Except [where the individual alleged to require involuntary admission is currently a state prison inmate], application for involuntary admission of an individual ... may be made ... by any person who has a legitimate interest in the welfare of the individual.

### **EMERGENCY EVALUATION**

MD. CODE ANN., HEALTH-GEN. § 10-622(b)(1) The petition for emergency evaluation of an individual may be made by:

- (i) A physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, or health officer or designee of a health officer who has examined the individual;
- (ii) A peace officer who personally has observed the individual or the individual's behavior; or

(iii) Any other interested person.

## Massachusetts\*

*\*Massachusetts does not have an outpatient commitment law.*

### **INPATIENT COMMITMENT**

MASS. GEN. LAWS ANN. ch. 123, § 7(a). The superintendent of a facility may petition the district court ... in whose jurisdiction the facility is located for the commitment to said facility and retention of any patient at said facility whom said superintendent determines that the failure to hospitalize would create a likelihood of serious harm by reason of mental illness.

MASS. GEN. LAWS ANN. ch. 123, § 7(b). The medical director of the Bridgewater state hospital, the commissioner of mental health, or with the approval of the commissioner of mental health, the superintendent of a facility, may petition the district court ... in whose jurisdiction the facility or hospital is located for the commitment to the Bridgewater state hospital of any male patient at said facility or hospital when it is determined that the failure to hospitalize in strict security would create a likelihood of serious harm by reason of mental illness.

### **EMERGENCY EVALUATION**

MASS. GEN. LAWS ANN. ch. 123, § 12(a). Any physician ..., or qualified psychiatric nurse mental health clinical specialist..., or a qualified psychologist ..., or a licensed independent clinical social worker ... who, after examining a person, has reason to believe that [the person meets the emergency evaluation criteria] may restrain or authorize the restraint of such person and apply for the hospitalization of such person for a 3-day period[.] In an emergency situation, if a physician, qualified psychologist, qualified psychiatric nurse mental health clinical specialist or licensed independent clinical social worker is not available, a police officer, who believes that failure to hospitalize a person would create a likelihood of serious harm by reason of mental illness may restrain such person and apply for the hospitalization of such person for a 3-day period at a public facility or a private facility authorized for such purpose by the department.

MASS. GEN. LAWS ANN. ch. 123, § 12(e). Any person may make application to a district court justice or a justice of the juvenile court department for a three-day commitment to a facility of a mentally ill person whom the failure to confine would cause a likelihood of serious harm.

## Michigan

### **INPATIENT OR OUTPATIENT COMMITMENT (ASSISTED OUTPATIENT TREATMENT)**

MICH. COMP. LAWS § 330.1434(1). 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.

### **EMERGENCY EVALUATION**

MICH. COMP. LAWS § 330.1427(1). [A] peace officer may take [an] individual [who appears to meet the criteria for emergency evaluation] into protective custody and transport the individual to a preadmission screening unit designated by a community mental health services program for examination ... or for mental health intervention services. ... Upon arrival at the preadmission screening unit or site designated by the preadmission screening unit, the peace officer shall execute an application for hospitalization of the individual.

## Minnesota<sup>14</sup>

## **INPATIENT AND OUTPATIENT COMMITMENT**

MINN. STAT. § 253B.07(2)(a). Any interested person, except a member of the prepetition screening team, may file a petition for commitment in the district court of the county of financial responsibility or the county where the proposed patient is present. If the head of the treatment facility believes that commitment is required and no petition has been filed, the head of the treatment facility shall petition for the commitment of the proposed patient.

## **EMERGENCY EVALUATION**

MINN. STAT. § 253B.051(1)(a). If a peace officer or health officer has reason to believe, either through direct observation of the person's behavior or upon reliable information of the person's recent behavior and, if available, knowledge or reliable information concerning the person's past behavior or treatment that the person:

1. has a mental illness or developmental disability and is in danger of harming self or others if the officer does not immediately detain the patient, the peace officer or health officer may take the person into custody and transport the person to an examiner or a treatment facility, state-operated treatment program, or community-based treatment program;

# **Mississippi**

## **INPATIENT OR OUTPATIENT COMMITMENT**

MISS. CODE ANN. § 41-21-65(5). If any person is alleged to be in need of treatment, any relative of the person, or any interested person, may make affidavit of that fact and shall file the affidavit with the clerk of the chancery court of the county in which the person alleged to be in need of treatment resides.

## **EMERGENCY EVALUATION**

MISS. CODE ANN. § 41-21-65(5). [A]ny relative of the person, or any interested person, may make affidavit of that fact and shall file the affidavit with the clerk of the chancery court of the county in which the person alleged to be in need of treatment resides[.]

MISS. CODE ANN. § 41-21-61(e). "Interested person" means an adult, including, but not limited to, a public official, and the legal guardian, spouse, parent, legal counsel, adult, child next of kin, or other person designated by a proposed patient.

MISS. CODE ANN. § 41-21-67(5)(a). Whenever a licensed psychologist, nurse practitioner or physician assistant who is certified to complete examinations for the purpose of commitment or a licensed physician has reason to believe that a person [meets the criteria for emergency evaluation], then the physician, psychologist, nurse practitioner or physician assistant may hold the person or may admit the person to and treat the person in a licensed medical facility, without a civil order or warrant for a period not to exceed seventy-two hours.

# **Missouri**

## **INPATIENT OR OUTPATIENT COMMITMENT**

MO. ANN. STAT. § 632.330(2). Within ninety-six hours following initial detention, the head of the facility or the mental health coordinator may file or cause to be filed either a petition for a twenty-one-day inpatient

involuntary detention and treatment period or a petition for outpatient detention and treatment for a period not to exceed one hundred eighty days, provided he has reasonable cause to believe that the person is mentally ill and as a result presents a likelihood of serious harm to himself or others.

**EMERGENCY EVALUATION**

MO. ANN. STAT. § 632.305(1). An application for detention for evaluation and treatment may be executed by any adult person[.]

MO. ANN. STAT. § 632.305(3). A mental health coordinator ... or a peace officer may [initiate emergency evaluation] only when such mental health coordinator or peace officer has reasonable cause to believe that such person [meets criteria for emergency evaluation].

**Montana**

**INPATIENT OR OUTPATIENT COMMITMENT**

MONT. CODE ANN. § 53-21-121(1). The county attorney, upon the written request of any person having direct knowledge of the facts, may file a petition with the court alleging that there is a person within the county who is suffering from a mental disorder and who requires commitment pursuant to this chapter.

**EMERGENCY EVALUATION**

MONT. CODE ANN. § 53-21-129(1). When an emergency situation as defined in 53-21-102 exists, a peace officer may take any person who appears [to meet criteria] into custody only for sufficient time to contact a professional person for emergency evaluation.

**Nebraska**

**INPATIENT OR OUTPATIENT COMMITMENT**

NEB. REV. STAT. § 71-921(1). Any person who believes that another person is mentally ill and dangerous may communicate such belief to the county attorney. The filing of a certificate by a law enforcement officer shall be sufficient to communicate such belief. If the county attorney concurs ... he or she shall file a petition as provided in this section.

NEB. REV. STAT. § 71-922 (1). Mental health board proceedings shall be deemed to have commenced upon the earlier of (a) the filing of a petition ...or (b) notification by the county attorney to the law enforcement officer who took the subject into emergency protective custody under or the administrator of the treatment center or medical facility having charge of the subject of his or her intention to file such petition. The county attorney shall file such petition as soon as reasonably practicable after such notification.

**EMERGENCY EVALUATION**

NEB. REV. STAT. § 71-919(1). A law enforcement officer who has probable cause to believe that a person is mentally ill and [meets the criteria for emergency evaluation] may take such person into emergency protective custody, cause him or her to be taken into emergency protective custody, or continue his or her custody if he or she is already in custody.

**Nevada**

### **INPATIENT OR OUTPATIENT COMMITMENT**

NEV. REV. STAT. § 433A.200. A proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition for the involuntary admission to a mental health facility or to a program of community-based or outpatient services with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any officer authorized to make arrests in the State of Nevada.

### **EMERGENCY EVALUATION**

NEV. REV. STAT. § 433A.160. [A]n application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse[.]

## **New Hampshire**

### **INPATIENT OR OUTPATIENT COMMITMENT**

N.H. REV. STAT. ANN. § 135-C:35. Any responsible person may petition for a hearing relative to the need for admission on an involuntary basis of another person due to mental illness[.]

### **EMERGENCY EVALUATION**

N.H. REV. STAT. ANN. § 135-C:28(I),(II). As used in [the involuntary emergency admissions law], "petitioner" means any individual ... who has requested that a physician or [advanced practice registered nurse] conduct ... an examination for purposes of involuntary emergency admission. ... Upon request for involuntary emergency admission by a petitioner, if the person sought to be admitted refuses to consent to a mental examination, a petitioner or a law enforcement officer may sign a complaint which shall be sworn to before a justice of the peace.

N.H. REV. STAT. ANN. § 135-C:28(III). When a peace officer observes a person engaging in behavior which gives the peace officer reasonable suspicion to believe that the person may [meet the criteria for emergency evaluation] the police officer may place the person in protective custody[.]

## **New Jersey**

### **INPATIENT OR OUTPATIENT COMMITMENT**

N.J. STAT. ANN. § 30:4-27.10

- a. (1) A short-term care or psychiatric facility or a special psychiatric hospital shall initiate court proceedings for involuntary commitment to inpatient or outpatient treatment by submitting to the court a clinical certificate ... and the screening certificate which authorized admission of the patient to the facility[.]
- (2) A screening service or outpatient treatment provider shall initiate court proceedings for commitment to outpatient treatment by submitting to the court a clinical certificate... and the screening certificate ... which authorized assignment of the patient to outpatient treatment with the outpatient treatment provider[.]

b. Court proceedings for the involuntary commitment to treatment of any person not referred by a screening service may be initiated by the submission to the court of two clinical certificates, at least one of which is prepared by a psychiatrist. The person shall not be involuntarily committed before the court issues a temporary court order.

c. A court proceeding for involuntary commitment to treatment of an inmate who is scheduled for release upon expiration of a maximum term of incarceration shall be initiated by the Attorney General or county prosecutor by submission to the court of two clinical certificates[.]

d. The Attorney General, in exercise of the State's authority as *parens patriae*, may initiate a court proceeding for the involuntary commitment to treatment of any person in accordance with the procedures set forth[.]

### **EMERGENCY EVALUATION**

N.J. STAT. ANN. § 30:4-27.6. A State or local law enforcement officer shall take custody of a person and take the person immediately and directly to a screening service if:

a. On the basis of personal observation, the law enforcement officer has reasonable cause to believe that the person is in need of involuntary commitment to treatment;

b. A mental health screener has certified on a form prescribed by the division that based on a screening outreach visit the person is in need of involuntary commitment to treatment and has requested the person be taken to the screening service for a complete assessment;

c. The court orders that a person subject to an order of conditional discharge ... who has failed to follow the conditions of the discharge be taken to a screening service for an assessment; or

d. An outpatient treatment provider has certified on a form prescribed by the division that the provider has reasonable cause to believe the person is in need of evaluation for commitment to treatment.

## **New Mexico**

### **INPATIENT COMMITMENT**

N.M. STAT. ANN. § 43-1-11(G). An interested person who reasonably believes that an adult is suffering from a mental disorder and presents a likelihood of serious harm to the adult's own self or others, but does not require emergency care, may request the district attorney to investigate and determine whether reasonable grounds exist to commit the adult for a thirty-day period of evaluation and treatment.

### **OUTPATIENT COMMITMENT (“ASSISTED OUTPATIENT TREATMENT”)\*:**

*\* Available only jurisdictions that have “opted in” with a memorandum of understanding between the jurisdiction and the chief judge of the applicable district court.*

N.M. STAT. ANN. § 43-1B-4(B). A petition for an order authorizing assisted outpatient treatment may be filed only by the following persons:

(1) a person eighteen years of age or older who resides with the respondent;

(2) the parent or spouse of the respondent;

(3) the sibling or child of the respondent; provided that the sibling or child is eighteen years of age or older;

- (4) the director of a hospital where the respondent is hospitalized;
- (5) the director of a public or charitable organization or agency or a home where the respondent resides and that provides mental health services to the respondent;
- (6) a qualified professional who either supervises the treatment of or treats the respondent for a mental disorder or has supervised or treated the respondent for a mental disorder within the past forty-eight months; or
- (7) a surrogate decision-maker.

**EMERGENCY EVALUATION**

N.M. STAT. ANN. § 43-1-10(B). An emergency evaluation under this section shall be accomplished upon the request of a peace officer, or jail or detention facility administrator or his designee, or upon the certification of a licensed physician or certified psychologist as described in Subsection C of this section. A court order is not required under this section.

<b>New York</b>
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**INPATIENT COMMITMENT**

N.Y. MENTAL HYG. LAW § 9.27(a). The director of a hospital may receive and retain therein as a patient any person alleged to be mentally ill and in need of involuntary care and treatment upon the certificates of two examining physicians, accompanied by an application for the admission of such person. The examination may be conducted jointly but each examining physician shall execute a separate certificate.

**OUTPATIENT COMMITMENT (“ASSISTED OUTPATIENT TREATMENT”)**

N.Y. MENTAL HYG. LAW § 9.60(e)(1). A petition for an order authorizing assisted outpatient treatment ... may be initiated only by the following persons:

- (i) any person eighteen years of age or older with whom the subject of the petition resides; or
- (ii) the parent, spouse, sibling eighteen years of age or older, or child eighteen years of age or older of the subject of the petition; or
- (iii) the director of a hospital in which the subject of the petition is hospitalized; or
- (iv) the director of any public or charitable organization, agency or home providing mental health services to the subject of the petition in whose institution the subject of the petition resides; or
- (v) a psychiatrist who is either supervising the treatment of or treating the subject of the petition for a mental illness; or
- (vi) a psychologist or a social worker who is treating the subject of the petition for a mental illness; or
- (vii) the director of community services, or his or her designee, or the social services official ... of the city or county in which the subject of the petition is present or reasonably believed to be present; or
- (viii) a parole officer or probation officer assigned to supervise the subject of the petition.

## **EMERGENCY EVALUATION**

N.Y. MENTAL HYG. § 9.41. Any peace officer, when acting pursuant to his special duties, or police officer who is a member of the state police or of an authorized police department or force or of a sheriff's department may take into custody any person who appears to [meet the criteria for emergency evaluation].

N.Y. MENTAL HYG. § 9.43(a). Whenever any court of inferior or general jurisdiction is informed by verified statement that a person [meets the criteria for emergency evaluation], such court shall issue a warrant directing that such person be brought before it. [*Ed. Note: Statute places no limitation on who may file such verified statement.*]

# North Carolina

## **INPATIENT COMMITMENT**

N.C. GEN. STAT. § 122C-266(a)(1). If the physician finds that the respondent is mentally ill and is dangerous to self ... or others ..., the physician shall hold the respondent at the facility pending the district court hearing.

## **OUTPATIENT COMMITMENT**

N.C. GEN. STAT. § 122C-266(a)(2). If the physician finds that the respondent meets the criteria for outpatient commitment ..., the physician shall show these findings on the physician's examination report, release the respondent pending the district court hearing, and notify the clerk of superior court of the county where the petition was initiated of these findings.

## **EMERGENCY EVALUATION**

N.C. GEN. STAT. § 122C-261(a). Anyone who has knowledge of an individual who is mentally ill and either (i) dangerous to self or dangerous to others, or (ii) in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness, may appear before a clerk or assistant or deputy clerk of superior court or a magistrate and execute an affidavit to this effect, and petition the clerk or magistrate for issuance of an order to take the respondent into custody for examination by a commitment examiner.

N.C. GEN. STAT. § 122C-262(a). Anyone, including a law enforcement officer, who has knowledge of an individual who is subject to inpatient commitment ... and who requires immediate hospitalization to prevent harm to self or others, may transport the individual directly to an area facility or other place, including a State facility for the mentally ill, for examination by a commitment examiner.

# North Dakota

## **INPATIENT OR OUTPATIENT COMMITMENT**

N.D. CENT. CODE § 25-03.1-08. Any individual eighteen years of age or over shall present the information necessary for the commitment of an individual for involuntary treatment to the state's attorney of the county where the respondent is presently located, or which is the respondent's place of residence, or to an attorney retained by that applicant to represent the applicant throughout the proceedings.

## **EMERGENCY EVALUATION**

N.D. CENT. CODE § 25-03.1-25(1). [A] peace officer, physician either in person or directing an emergency medical services professional, psychiatrist, physician assistant, psychologist, advance practice registered nurse, or mental health professional [who] has reasonable cause to believe that an individual [meets criteria for emergency evaluation] may cause the individual to be taken into custody and detained at a treatment facility[.]

## Ohio

### **INPATIENT OR OUTPATIENT COMMITMENT**

OHIO REV. CODE ANN. § 5122.11. Proceedings for a mentally ill person subject to court order ... shall be commenced by the filing of an affidavit ... by any person or persons with the probate court, either on reliable information or actual knowledge, whichever is determined to be proper by the court.

### **EMERGENCY EVALUATION**

OHIO REV. CODE ANN. § 5122.10(A)(1) Any of the following who has reason to believe that a person is a mentally ill person subject to court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination may take the person into custody and may immediately transport the person to a hospital or...to a general hospital not licensed by the department of mental health and addiction services where the person may be held for the period prescribed in this section:

- a. A psychiatrist;
- b. A licensed physician;
- c. A licensed clinical psychologist;
- d. A clinical nurse specialist who is certified as a psychiatric-mental health CNS by the American nurses credentialing center;
- e. A certified nurse practitioner who is certified as a psychiatric-mental health NP by the American nurses credentialing center;
- f. A health officer;
- g. A parole officer;
- h. A police officer;
- i. A sheriff.

## Oklahoma

### **INPATIENT COMMITMENT**

43A OKL. ST. § 5-410(A). The following persons may file or request the district attorney to file a petition with the district court, upon which is hereby conferred jurisdiction, to determine whether an individual is a person requiring treatment, and to order the least restrictive appropriate treatment for the person:

1. A treatment advocate[;]
2. The father, mother, husband, wife, grandparent, brother, sister, guardian or child, over the age of eighteen (18) years, of an individual alleged to be a person requiring treatment;
3. A licensed mental health professional;
4. A person in charge of any correctional institution;
5. Any peace officer within the county in which the individual alleged to be a person requiring treatment resides or may be found; or
6. The district attorney in whose district the person resides or may be found.

### **OUTPATIENT COMMITMENT (“ASSISTED OUTPATIENT TREATMENT”)**

43A OKL. ST. § 5-410(C). Petitions filed to determine if an individual should be ordered to assisted outpatient treatment ... shall only be filed by a licensed mental health professional employed by the Department of Mental Health and Substance Abuse Services or employed by a community mental health center[.]

### **EMERGENCY EVALUATION**

43A OKL. ST. § 5-207(B)(1). Any peace officer who reasonably believes that a person is a person requiring treatment as defined in Section 1-103 of this title shall take the person into protective custody.

43A OKL. ST. § 5-207(G). The parent, brother or sister who is eighteen (18) years of age or older, child who is eighteen (18) years of age or older, or guardian of the person, or a person who appears to be or states that such person is mentally ill, alcohol-dependent, or drug-dependent to a degree that emergency action is necessary may request the administrator of a facility designated by the Commissioner as an appropriate facility for an initial assessment to conduct an initial assessment to determine whether the condition of the person is such that emergency detention is warranted and, if emergency detention is warranted, to detain the person[.]

## **Oregon**

### **INPATIENT OR OUTPATIENT COMMITMENT**

OR. REV. STAT. § 426.070(1). Any of the following may initiate commitment procedures:

- (a) Two persons;
- (b) The county health officer; or
- (c) Any magistrate or judge of a court of a federally recognized Indian tribe located in this state.

### **EMERGENCY EVALUATION**

OR. REV. STAT. § 426.228(1). A peace officer may take into custody a person who the officer has probable cause to believe [meets the criteria for emergency evaluation].

OR. REV. STAT. § 426.233(1)(b). [If a person is found to meet criteria for emergency evaluation, t]he community mental health program director or designee ... may:

- (A) Notify a peace officer to take the person into custody and direct the officer to remove the person to a hospital or nonhospital facility approved by the Oregon Health Authority;
- (B) Authorize involuntary admission of, or, if already admitted, cause to be involuntarily retained in a nonhospital facility approved by the authority, a person approved for care or treatment at a nonhospital facility by a physician[;]
- (C) Notify an [authorized individual] to take the person into custody and direct the authorized individual to remove the person in custody to a hospital or nonhospital facility approved by the authority;
- (D) Direct an [authorized individual] to transport a person in custody from a hospital or a nonhospital facility approved by the authority to another hospital or nonhospital facility approved by the authority[;] or

(E) Direct an [authorized individual] to transport a person in custody from a facility approved by the authority to another facility approved by the authority[.]

OR. REV. STAT. § 426.232(1). If a licensed independent practitioner ... believes a person who is at a hospital or nonhospital facility, is dangerous to self or to any other person and is in need of emergency care or treatment for mental illness, and the licensed independent practitioner is not related to the person by blood or marriage, the licensed independent practitioner may do one of the following:

(a) Detain the person and cause the person to be admitted or, if the person is already admitted, cause the person to be retained in a hospital where the licensed independent practitioner has admitting privileges or is on staff.

(b) Approve the person for emergency care or treatment at a nonhospital facility approved by the authority.

## Pennsylvania

### **INPATIENT OR OUTPATIENT COMMITMENT**

50 PA. CONS. STAT. ANN. § 7304(c)(1). Any responsible party may file a petition in the court of common pleas requesting court-ordered involuntary treatment for any person not already in involuntary treatment.

### **OUTPATIENT COMMITMENT (“ASSISTED OUTPATIENT TREATMENT”)**

50 PA. CONS. STAT. ANN. § 7304

(c.1) Procedures for initiating assisted outpatient treatment for persons already subject to involuntary treatment.—

1. Petition for assisted outpatient treatment for persons already subject to involuntary treatment under section 301(b)(1) or (2), or persons with mental illness subject to treatment in a forensic facility or a correctional institution who are ready for release may be made by the county administrator or the director of the facility to the court of common pleas.

(c.2) Procedures for initiating assisted outpatient treatment for persons not in involuntary treatment.—

1. Any responsible party may file a petition in the court of common pleas requesting assisted outpatient treatment for any person determined under section 301(c) to be in need of assisted outpatient treatment, and who is not already in involuntary treatment, and who is not already in assisted outpatient treatment for whom application could be made under subsection (a).

### **EMERGENCY EVALUATION**

50 PA. CONS. STAT. ANN. § 7302(a). Emergency examination may be undertaken at a treatment facility upon the certification of a physician stating the need for such examination; or upon a warrant issued by the county administrator authorizing such examination; or without a warrant upon application by a physician or other authorized person who has personally observed conduct showing the need for such examination.

## Rhode Island

### **INPATIENT OR OUTPATIENT COMMITMENT**

R.I. GEN. LAWS § 40.1-5-8(a) (...) The petition may be filed by any person with whom the subject of the petition may reside, or at whose house he or she may be, or the father or mother, husband or wife,

brother or sister, or the adult child of any such person, the nearest relative if none of the above are available, or his or her guardian, or the attorney general, or a local director of public welfare, or the director of the department of mental health, retardation, and hospitals, the director of the department of human services, or the director of the department of corrections, the director of the department of health, the warden of the adult correctional institutions, the superintendent of the boys training school for youth, or his or her designated agent, or the director of any facility, or his or her designated agent whether or not the person shall have been admitted and is a patient at the time of the petition.

### **EMERGENCY EVALUATION**

R.I. GEN. LAWS § 40.1-5-7(a)(1). Any physician, who [has reason to believe that the person meets the criteria for emergency evaluation], may apply at a facility for the emergency certification of the person thereto. The medical director, or any other physician employed by the proposed facility for certification may apply ... if no other physician is available and he or she certifies this fact ... In the event that no physician is available, a qualified mental health professional or police officer who believes the person [meets the criteria for emergency evaluation], may make the application for emergency certification to a facility.

R.I. GEN. LAWS § 40.1-5-7

- A. Any police officer may take an individual into protective custody and take or cause such person to be taken to an emergency room of any hospital, by way of emergency vehicle, if the officer has reason to believe that:
  - 1. The individual is in need of immediate care and treatment, and is one whose continued unsupervised presence in the community would create an imminent likelihood of serious harm by reason of mental disability if allowed to be at liberty pending examination by a licensed physician; or
  - 2. The individual is in need of immediate assistance due to mental disability and requests the assistance.

## **South Carolina**

### **INPATIENT OR OUTPATIENT COMMITMENT**

S.C. CODE ANN. § 44-17-510. Proceedings for involuntary hospitalization by judicial procedure may be commenced by filing a written petition with the probate court of the county where he is present or where he is a resident by any interested person or the superintendent of any public or private mental institution in which he may be[.]

### **EMERGENCY EVALUATION**

S.C. CODE ANN. § 44-17-410. A person may be admitted to a public or private hospital, mental health clinic, or mental health facility for emergency admission upon: (1) written affidavit under oath by a person stating [the belief that a person meets the criteria].

## **South Dakota**

### **INPATIENT OR OUTPATIENT COMMITMENT**

S.D. CODIFIED LAWS § 27A-10-1. If any person is alleged to [meet the criteria], any person, eighteen years of age or older, may complete a petition stating the factual basis for concluding that such person is severely mentally ill and in immediate need of intervention.

### **EMERGENCY EVALUATION**

S.D. CODIFIED LAWS § 27A-10-1. If any person is alleged to [meet the criteria], any person, eighteen years of age or older, may complete a petition stating the factual basis for concluding that such person is severely mentally ill and in immediate need of intervention.

## Tennessee\*

*\*Tennessee does not have an outpatient commitment law.*

### **INPATIENT COMMITMENT**

TENN. CODE ANN. § 33-6-504. The parent, legal guardian, legal custodian, conservator, spouse, or a responsible relative of the person alleged to be in need of care and treatment, a licensed physician, a licensed psychologist [designated as a health service provider], a health or public welfare officer, an officer authorized to make arrests in the state, or the chief officer of a facility that the person is in, may file a complaint to require involuntary care and treatment of a person with mental illness or serious emotional disturbance under this part.

### **EMERGENCY EVALUATION**

TENN. CODE ANN. § 33-6-402. If an officer authorized to make arrests in the state, a licensed physician, a psychologist [designated as a health service provider], or a professional designated by the commissioner [to take actions and perform duties imposed by law upon physicians] has reason to believe that a person [meets the criteria for emergency evaluation], then the officer, physician, psychologist, or designated professional may take the person into custody without a civil order or warrant for immediate examination ... for certification of need for care and treatment.

## Texas

### **INPATIENT OR OUTPATIENT COMMITMENT**

TEX. HEALTH & SAFETY CODE § 574.001(a). A county or district attorney or other adult may file a sworn written application for court-ordered mental health services. Only the district or county attorney may file an application that is not accompanied by a certificate of medical examination.

### **EMERGENCY EVALUATION**

TEX. HEALTH & SAFETY CODE § 573.011(a). An adult may file a written application for the emergency detention of another person.

## Utah

### **INPATIENT OR OUTPATIENT COMMITMENT**

UTAH CODE ANN. § 62A-15-631(1). A responsible individual who has credible knowledge of an adult's mental illness and the condition or circumstances that have led to the adult's need to be involuntarily committed may initiate an involuntary commitment court proceeding by filing, in the district court in the county where the proposed patient resides or is found, a written application[.]

### **EMERGENCY EVALUATION**

UTAH CODE ANN. § 62A-15-629(1). An adult shall be temporarily, involuntarily committed to a local mental health authority upon:

(a) a written application that:

- (i) is completed by a responsible individual who has reason to know, stating a belief that the adult, due to mental illness, is likely to pose substantial danger to self or others if not restrained and stating the personal knowledge of the adult's condition or circumstances that lead to the individual's belief; and
- (ii) includes a certification by a licensed physician or designated examiner stating that the physician or designated examiner has examined the adult within a three-day period immediately preceding that certification, and that the physician or designated examiner is of the opinion that, due to mental illness, the adult poses a substantial danger to self or others; or

(b) a peace officer or a mental health officer:

- (i) observing an adult's conduct that gives the peace officer or mental health officer probable cause to believe that:
  - (A) the adult has a mental illness; and
  - (B) because of the adult's mental illness and conduct, the adult poses a substantial danger to self or others; and
- (ii) completing a temporary commitment application[.]

## Vermont

### **INPATIENT OR OUTPATIENT COMMITMENT**

VT. STAT. ANN. tit. 18, § 7612(a). An interested party may, by filing a written application, commence proceedings for the involuntary treatment of an individual by judicial process.

VT. STAT. ANN. tit. 18, § 7101(9). "Interested party" means a guardian, spouse, parent, adult child, close adult relative, a responsible adult friend, or person who has the individual in his or her charge or care. It also means a mental health professional, a law enforcement officer, a licensed physician, or a head of a hospital.

### **EMERGENCY EVALUATION**

VT. STAT. ANN. tit. 18, § 7504(a). Upon written application by an interested party made under the pains and penalties of perjury and accompanied by a certificate by a licensed physician who is not the applicant, a person shall be held for admission to a hospital for an emergency examination to determine if he or she is a person in need of treatment.

VT. STAT. ANN. tit. 18, § 7101(9). "Interested party" means a guardian, spouse, parent, adult child, close adult relative, a responsible adult friend, or person who has the individual in his or her charge or care. It also means a mental health professional, a law enforcement officer, a licensed physician, or a head of a hospital.

VT. STAT. ANN. tit. 18, § 7505(a). In emergency circumstances ... a law enforcement officer or mental health professional may make an application, not accompanied by a physician's certificate, to any Superior judge for a warrant for an emergency examination.

## Virginia

**INPATIENT OR TRADITIONAL FORMS OF OUTPATIENT COMMITMENT (“MANDATORY OUTPATIENT TREATMENT”)**

*[Ed. Note: Statute places no limitation on the right to petition for inpatient commitment; considered open to any “responsible person.” See [VA District Court Form DC-4001](#).]*

**OUTPATIENT COMMITMENT (“MANDATORY OUTPATIENT TREATMENT”) upon discharge from currently pending inpatient commitment order:**

VA CODE ANN. § 37.2-817(C). Upon motion of the treating physician, a family member or personal representative of the person, or the community services board serving the area where the facility is located, a hearing [for mandatory outpatient treatment upon discharge from current inpatient commitment] shall be held[.]

**EMERGENCY EVALUATION**

VA CODE ANN. § 37.2-808(A). [A] magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, ... an emergency custody order [upon probable cause].

VA CODE ANN. § 37.2-809(B). A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion ... a temporary detention order if it appears [warranted] from all evidence readily available[.]

<h2>Washington</h2>
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**INPATIENT OR OUTPATIENT COMMITMENT (“ASSISTED OUTPATIENT BEHAVIORAL HEALTH TREATMENT”)**

REV. CODE WASH. § 71.05.230(4)(a)(i). The petition must be signed by:

- (A) One physician, physician assistant, or psychiatric advanced registered nurse practitioner; and
- (B) One physician, physician assistant, psychiatric advanced registered nurse practitioner, or mental health professional.

**EMERGENCY EVALUATION**

REV. CODE WASH. § 71.05.150(1). When a designated crisis responder receives information alleging that a person, as a result of a mental disorder [meets the criteria for inpatient commitment], the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention or involuntary outpatient treatment, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention under this section or a petition for involuntary outpatient behavioral health treatment [.] Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, triage facility, or approved substance use disorder treatment program.

REV. CODE WASH. § 71.05.153(1). When a designated crisis responder receives information alleging that a person [meets the criteria for emergency evaluation], after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more

than seventy-two hours[.]

REV. CODE WASH. § 71.05.153(2)(a) ... [A] peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, or the emergency department of a local hospital under the following circumstances:

- (i) Pursuant to subsection (1) ... of this section; or
- (ii) When he or she has reasonable cause to believe that such person [meets the criteria for emergency evaluation].

## West Virginia

### **INPATIENT OR OUTPATIENT COMMITMENT**

W. VA. CODE § 27-5-4(b). Final commitment proceedings for an individual may be commenced by the filing of a written application under oath by an adult person having personal knowledge of the facts of the case.

### **EMERGENCY EVALUATION**

W. VA. CODE §27-5-2(a). Any adult person may make an application for involuntary hospitalization for examination of an individual when the person making the application has reason to believe that the individual to be examined [meets criteria for emergency evaluation].

## Wisconsin

### **INPATIENT OR OUTPATIENT COMMITMENT**

WIS. STAT. ANN. § 51.20(9)(b). If the examiner determines that the subject individual is a proper subject for treatment, the examiner shall make a recommendation concerning the appropriate level of treatment. Such recommendation shall include the level of inpatient facility which provides the least restrictive environment consistent with the needs of the individual, if any, and the name of the facility where the subject individual should be received into the mental health system.

### **EMERGENCY EVALUATION**

WIS. STAT. ANN. § 51.15(1)(ar). A law enforcement officer ... may take an individual into custody if the officer ... has cause to believe that the individual [meets the criteria for emergency evaluation].

WIS. STAT. ANN. § 51.20(1)(b). Each petition for examination shall be signed by 3 adult persons, at least one of whom has personal knowledge of the conduct of the subject individual[.]

## Wyoming

### **INPATIENT OR OUTPATIENT COMMITMENT**

WYO. STAT. ANN. § 25-10-110(a). Proceedings for the involuntary hospitalization of a person may be commenced by the filing of a written application with the court in the county in which the person is initially detained. *[Ed. Note: Statute places no limitation on who may commence such proceedings.]*

### **EMERGENCY EVALUATION**

WYO. STAT. ANN. § 25-10-109(a). A person may be detained when:

(i) A law enforcement officer or examiner has reasonable cause to believe a person is mentally ill [as defined in statute.]

WYO. STAT. ANN. § 25-10-110(a)(ii), (e). [A commitment application by any person may include a] written statement by the applicant and by an examiner that the proposed patient has refused to submit to examination by an examiner, together with a statement of the facts and circumstances supporting the application. ... The court may order the proposed patient to appear for examination and if the proposed patient does not appear the court may compel his appearance.