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To be used as legal advice.
Please consult with your attorney.

Outline of Involuntary Commitments

Presented as a public service by:

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Orders to Apprehend Emergency Evaluations

Who:

A Patient who is in danger of harming him or herself or others and should be taken to an “emergency receiving facility” to be evaluated by a professions.

What is Filed:

Affidavit signed under oath by two persons over the age of 18.

When:

Within 48 hours of having physically observed the patient in this condition.

Where:

Probate Court with informal hearing.

How:

By filing documents and answering questions by the Court concerning the Patient.

Why:

Evaluation of the individual. Following evaluation and based on a determination of need, other services may be available at the direction of medical professionals.

How Long:

Apprehension must occur within 7 days; the emergency receiving facility may keep a patient up to 72 hours for evaluation; length of stay thereafter, if any, is in the discretion of the facility.

Others with commitment authority:

- Certain health professionals who actually evaluate the patient.
- Law enforcement personnel who observe a crime has been or is being committed.

Outpatient Commitment

Who:

Patient who is noncompliant with medical orders and would benefit from a program requiring outpatient medical treatment and the agency is able to devise and carry out a plan for the patient.

What is filed:

Petition by a local mental health agency, along with an evaluation and treatment plan the agency proposes to carry out.

When:

At the agency’s discretion and willingness to do so.

Where:

Probate Court, which schedules a hearing based on due process.

How filed:

Sworn petition, no filing fees are required, an attorney is appointed to represent the patient, notice of the hearing and rights is given.

Why:

To enable the patient to approach “normalcy”, even hold employment.

How Long:

Order is good for one year; can be renewed.

Others with authority to file:

Private institutions which are willing to carry out the plan.