

HOW DOES A COMMITMENT BEGIN?

CIVIL COMMITMENTS BEGIN IN 1 OF 3 WAYS

1. EMERGENCY DETENTION (ED): This is a method of initiating a commitment that begins by involving the police. The person is detained but can be held for no more than 72 hours (excluding weekends and holidays) before an initial court hearing (“probable cause” hearing). **SEE NEXT PAGE FOR DETAILS.**

2. TREATMENT DIRECTOR’S HOLD: This happens when a person has been admitted to a psychiatric treatment facility/unit, and the treatment director (of the inpatient psychiatric unit) decides that an emergency detention is necessary and detains the person at that facility.

3. 3-PARTY PETITION: This is when three adults ask a court to initiate a civil commitment. All three people must be 18 or older, but only one person must have personal knowledge of the individual’s recent, potentially harmful behavior.

KEY TIME LIMITS

1) 72 hours (not including weekends and holidays): maximum time someone can be held before a probable cause hearing

2) 14 days: maximum time someone can be held before final hearing



Basic steps of a 3-party petition:

- Call county “corporation counsel” (the county’s attorney). You can find this number by calling your local NAMI or searching on the internet: “[your county] corporation counsel.”
- If corporation counsel believes your loved one needs to be committed, they will draft and file a petition with the court.
- If the corporation counsel does not believe a commitment is necessary, they are still required to file the petition on your behalf. However, the corporation counsel will inform the court that they do not support the petition. The court’s decision on whether or not to detain the individual is strongly influenced by the corporation counsel’s opinion. A private attorney and/or an unrepresented person is prohibited from filing a petition on their own.
- Once the petition is filed and the court decides that the person should be detained, a law enforcement officer will pick up your family member.
- Your loved one will be taken to a mental health facility. This begins the commitment process (page 54).