

## What Are My Rights During a Civil Commitment?

### *During an Emergency Detention*

**Right to Notification:** You must be told orally and in writing that you've been detained, the reasons for it, and your specific rights.

**Right to Remain Silent:** You can refuse to answer questions, and your statements can be used later in commitment proceedings.

**Right to an Attorney:** You have the right to contact a lawyer and to have one appointed for you at public expense if you can't afford one.

**Right to Contact Family:** You can usually contact a family member or other significant person.

### *During a Probable Cause Hearing:*

**Right to Notice and Hearing:** You have the right to a Probable Cause Hearing to determine if the Emergency Detention was warranted and if there is reason to continue the commitment process. You must be informed of the proceedings and have a chance to appear before a judge.

**Right to Legal Representation:** You have the right to an attorney, even if you can't afford one (a public defender).

**Presumption of Competency:** You're presumed competent until proven otherwise.

**Right to Liberty and Autonomy:** Protection against unnecessary restriction of your freedom.

### *During a Commitment:*

**Least Restrictive Setting:** You must be placed in the least restrictive environment necessary for your treatment.

**Appropriate Treatment:** You have a right to prompt, adequate, and individualized care.

**Refuse Treatment (Sometimes):** You generally have a right to refuse treatment, though this can be challenged in court during commitment proceedings.

**Freedom from Abuse:** Protection from ill-treatment, unnecessary seclusion, or excessive medication.

### *Information & Privacy Rights*

**Confidentiality:** Your mental health information is private.

**Access to Records:** Right to access your own mental health records.

**Protection & Advocacy:** Information on how to contact a protection and advocacy system.

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\*The information provided here does not, and is not intended to, constitute legal advice; instead, all information, content, and materials are for general informational purposes only. Contact a lawyer for legal counsel and check your state laws for the most accurate/up-to-date information.