

Important Terms to Know During the Civil Commitment Process

Civil Commitment: A court-ordered involuntary placement in treatment (inpatient or outpatient) for mental illness, developmental disability, or substance abuse.

Dangerousness: A common standard, meaning a substantial probability of physical harm to self or others, or grave disability (inability to provide for basic needs like food/shelter).

Emergency Hold/Detention: Short-term (e.g., 72-hour) hold by law enforcement or mental health professionals for immediate evaluation during a crisis. The typical time for this is 72 hours, excluding weekends and holidays. An initial hearing must occur within this timeframe. An Emergency Detention can be extended up to 7 days at the request of the person or their attorney.

Probable Cause Hearing: A preliminary court hearing to determine if there's enough evidence (probable cause) to proceed with a full commitment hearing.

Petition: A formal request filed with the court to initiate commitment proceedings.

Respondent: The person alleged to be in need of commitment

Examiner: A mental health professional appointed by the court to evaluate the respondent.

Conditional Release/Assisted Outpatient Treatment(AOT): Treatment in the community as a condition of release from inpatient commitment or as an alternative

to full commitment.

14 Days: The maximum time someone can be held before the commitment hearing. If the court determines probable cause for the Emergency Detention, the person may be detained for up to 14 days before the final hearing.

Commitment Hearing (or Final Hearing): The person will be assessed by mental health professionals and report their findings to the court. After reviewing the findings, the court can either dismiss the case and release the individual, order them to be committed to the care of the county, or offer terms of a Settlement Agreement.

Settlement Agreement: This is an alternative to a commitment (involuntary stay in a hospital). The person may be offered this agreement at different points in the process, such as during the probable cause hearing and at the final hearing. If accepted, it places the commitment process on hold and includes a treatment plan that provides treatment in the least restrictive manner. The county will monitor patient compliance.

Continuing Commitment: The initial commitment period is six months. If the case manager believes the person continues to be at risk after those six months, they can recommend an extension of the commitment.

**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.*