



What Happens After a Clinician Petitions for Involuntary Commitment

A physician, psychologist, or other authorized clinician has requested a magistrate or clerk of court to start the legal process that may lead to court-ordered treatment for mental illness or substance abuse. The clinician making the request has filed a notarized petition with the court for this purpose. The clinician is called the "petitioner." The individual for whom treatment is being requested will have an opportunity to respond to the petition. This individual is called the "respondent." If you are the subject of the petition (the person for whom treatment is being sought), the word "respondent," below, refers to you.

1. The clinician has examined the respondent and recommended either outpatient commitment, inpatient commitment, or substance abuse commitment.
 - Inpatient commitment: If the clinician recommends inpatient commitment for mental illness, and the magistrate or clerk of court finds that the respondent meets the criteria for inpatient commitment, then the magistrate or clerk will issue an order to have a law enforcement officer or other designated person transport the respondent to a 24-hour facility for examination and treatment pending a district court hearing.
 - Outpatient commitment: If the clinician recommends outpatient commitment for mental illness, then the clinician must provide the respondent with written notice of any scheduled appointment and the name, address, and telephone number of the proposed outpatient treatment physician or center. If the magistrate or clerk of court finds that the respondent meets the criteria for outpatient commitment, then he or she will order that a hearing be held before a district court judge to determine whether the respondent will be involuntarily committed to outpatient treatment for mental illness.
 - Substance abuse commitment: If the clinician recommends substance abuse commitment, and the magistrate or clerk of court finds that the respondent meets the criteria for substance abuse commitment, then the magistrate or clerk will order that (a) a district court hearing be held to determine whether the respondent should be involuntarily committed to substance abuse treatment, or (b) a law enforcement officer or other person transport the respondent to a 24-hour facility for examination and treatment pending a district court hearing.
2. If the magistrate or clerk of court issues an order to have the respondent transported to a 24-hour facility, a law enforcement officer or other person designated in the order must take the respondent into custody within 24 hours after the order is signed. Custody is not for the purpose of arrest, but for the respondent's own safety and the safety of others, and to determine if the respondent is in need of court-ordered treatment.
3. Without unnecessary delay after assuming custody of the respondent, the law enforcement officer or other person designated to provide transportation must take the respondent to a 24-hour facility where a second examination will be performed within 24 hours of arrival at the facility. This second examiner will recommend either (a) that the respondent be released and the proceedings terminated, or (b) that the respondent be held at the 24-hour facility pending a district court hearing.
4. If the respondent is not released, he or she will appear at a hearing before a district court judge within 10 days of the date that he or she was taken into custody. The judge will order outpatient commitment, inpatient commitment, substance abuse commitment, or no commitment. If outpatient commitment or no commitment is ordered, the respondent will be released. If inpatient commitment is ordered, the respondent will be held for treatment at the 24-hour facility. If substance abuse treatment is ordered, the respondent will be either (a) released and treated on an outpatient basis, or (b) held and treated at the 24-hour facility.