

Legal Criteria for Issuing Involuntary Commitment Custody Order

Judicial College Program for Magistrates

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Three Kinds of Involuntary Commitment

- Inpatient commitment for mentally ill person
- Outpatient commitment for mentally ill person
- Commitment for substance abuser

- Each has different requirements
- Are there *reasonable grounds* to believe meets criteria?

Inpatient Commitment for Mentally Ill Person

- Mentally ill AND
- Dangerous to self or others

Inpatient Commitment of Mentally Ill Person

- Mental illness= an illness which so lessens capacity to use self-control, judgment, and discretion in conduct of his or her affairs and social relations as to make it necessary or advisable for the respondent to be under treatment, care, supervision, guidance, or control.
- If minor = mental condition that so impairs capacity to exercise age adequate self-control or judgment in conduct of activities and social relationships that he or she needs treatment.

Inpatient Involuntary Commitment of a Mentally Ill Person

- Dangerous to self
 - Unable to care for self
 - Suicidal
 - Engaged in self-mutilation
- Dangerous to others
 - Inflicted, attempted to inflict, or threatened to inflict serious bodily harm on another
 - Created substantial risk of serious harm
 - Engaged in extreme destruction of property

When Must Dangerousness Have Occurred

- Within the relevant past.
- Relevant means any information that tends to make the existence of a material fact more or less likely.

Unable to Care For Self

- Acted in a way that shows would probably be unable, without care, supervision, and the continued assistance of others not otherwise available, to exercise self-control, judgment, and discretion in conduct of daily responsibilities and social relations, or to satisfy the need for nourishment, personal or medical care, shelter, or self-protection and safety. [lack of self-care ability regarding one's daily affairs]
- AND
- Is likely to suffer serious debilitation in near future if treatment isn't given.
 - Previous episodes of dangerousness, when applicable, may be considered.

Suicidal

- Respondent attempted or threatened suicide
- AND
- There is a reasonable probability of suicide unless treatment is given.
 - Previous episodes of dangerousness, when applicable, may be considered.

Self-Mutilator

- Respondent has mutilated or attempted to mutilate himself
- AND
- There is a reasonable probability of serious self-mutilation unless adequate treatment is given.
 - Previous episodes of dangerousness, when applicable, may be considered.

Dangerous to Others

- Respondent
 - Has inflicted or attempted to inflict serious bodily harm on another
 - Engaged in behavior that creates a substantial risk of serious harm
 - Engaged in extreme destruction of property
- AND
- Reasonable probability that conduct will be repeated.

Outpatient Commitment for Mentally Ill Person

- If find mentally ill but not dangerous to self or others, don't stop.
- Next question: Is respondent in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness?
 - Determine on basis of respondent's psychiatric history.

Involuntary Commitment of a Substance Abuser

- Substance abuser and dangerous to self or others
- Substance abuse is pathological use or abuse of alcohol or other drugs in a way or to a degree that produces an impairment in personal, social, or occupational functioning.
 - May include a pattern of tolerance and withdrawal.
