

# **Civil Commitment Notice**

## **For Mental Illness, Mental Retardation or Chemical Dependency**

### **1) Civil Commitment Process:**

#### **A) Pre-Petition Screening and Petition.**

- 1) Any interested person may request the County to initiate commitment proceedings. This starts with a pre-petition screening which includes:
  - a) a personal interview with you,
  - b) investigating alleged behavior requiring commitment,
  - c) exploring less restrictive options instead of commitment,
  - d) gathering information from others including need for medications and willingness to participate in treatment.
- 2) Anything you say to the screener may be included in the petition and also used at the hearing.
- 3) A screening team will recommend whether or not to proceed with commitment.
- 4) After receiving the recommendation the County Attorney will decide whether a petition will be filed with the court.

#### **B) Court Hold Orders.**

- 1) The court may issue an apprehend and hold order and place you in a treatment facility if:
  - a) there is a risk of serious imminent physical harm to you or others;
  - b) you failed to appear for an examination or the commitment hearing,  
or
  - c) you are already being held on an emergency hold order.

#### **C) The Preliminary Hearing and Commitment Hearing.**

- 1) When issuing the order the court must:  
Schedule a preliminary hearing within 72 hours not including weekends or holidays to determine if you are presently a danger of serious physical harm to yourself or others.
- 2) When a commitment petition is filed, the court will:
  - a) appoint a physician or licensed psychologist to examine you;
  - b) appoint an attorney to represent you, and
- 3) The commitment hearing must be held within 14 days of the petition being filed. It may be extended for good cause,
- 4) You have the right to attend the hearing, to testify, to have your attorney present, to present and cross-examine witnesses, and to have the court appoint a second examiner chosen by you and your attorney
- 5) The Examiner's report must be filed 48 hours prior to the hearing.
- 6) If the court finds that you are mentally ill, chemically dependent or mentally retarded and there is a danger to yourself or others it may commit you to a facility that can meet your needs.

**D) After Commitment.**

- 1) The initial commitment can only be for up to six months. After that, it can be extended by the court, after a review hearing, for up to one year for persons with mental illness or chemical dependency and indeterminately for persons with mental retardation with court reviews every 3 years.
- 2) If you are refusing medications (or not competent to decide), the court may hold a medication review hearing to look at your need for medication and ability to consent. If the court feels it is necessary, it may order you to take medications even if you do not want to.
- 3) You may ask the court, any time during your commitment, to review the need for continued commitment.

**E) Cost of Care.**

If you are committed to a state treatment facility, you may be billed for all or part of the cost of care. During your lifetime, this will be according to what you can pay. After your death the state has the right to file a claim against your estate for the total cost.

**F) Legal Effects of Commitment.**

- 1) Firearms possession:
  - a) A person committed as chemically dependent may not possess any firearm until they have successfully completed treatment (see MS 624.713 subd.1e).
  - b) A person committed as mentally ill or mentally ill and dangerous may not possess any firearm (see MS 624.713 subd.1j4).
- 2) A commitment as mentally ill, chemically dependent or mentally retarded may have an effect on professional or personal licenses. Contact the agency or board that issued your license for more information.
- 3) Court records of civil commitment are considered public information. Portions of the file may be sealed, but the fact that you have been committed is public information.

**G) Civil Commitment has two main purposes:**

- 1) To treat your illness when you are unable or unwilling to seek treatment on your own.
- 2) To protect you and/or others from harm due to your illness.

***ADA STATEMENT: If you have a disability and want this notice in a different format you may request this from the county.***

**For more detailed information on the commitment process, cost of care, emergency hold or effective legal representation contact the Office of Ombudsman for Mental Health and Mental Retardation at: 121 7<sup>th</sup> Place E. Suite 420, St. Paul, MN 55101**

**<http://www.ombudmhr.state.mn.us>**

**651-296-3848, or Toll Free 1-800-657-3506.**