

*"Giving Voice to Those Seldom Heard"*

# Civil Commitment Process for: Mental Illness, Developmental Disabilities or Chemical Dependency

## 1) Pre-Petition Screening and Petition

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- A. Any interested person may request the county to initiate commitment proceedings. This starts with a pre-petition screening which includes:
  - 1. a personal interview with you; (in-person preferred)
  - 2. investigation of alleged conduct requiring commitment;
  - 3. exploration of less restrictive options instead of commitment, and
  - 4. gathering information from others including need for medications and willingness to participate in treatment.
- B. Anything you say to the screener may be included in the petition and may also be used at the hearing.
- C. A screening team will recommend whether or not to proceed with commitment.
- D. After receiving the recommendation, the county attorney will decide whether a petition will be filed with the court.
- E. The pre-petition screening cannot be used in any other court proceedings.

## 2) Court Hold Orders

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- A. The court may issue an apprehend and hold order and place you in a treatment facility or state-operated treatment program if:
  - 1. there is a risk of serious imminent physical harm to you or others
  - 2. you failed to appear for an examination or the commitment hearing, or
  - 3. you're already being held on an emergency hold order.

## 3) The Preliminary Hearing and Commitment Hearing

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- A. When issuing the hold order, the court must schedule a preliminary hearing within 72 hours, not including weekends or holidays, to determine if you are presently a danger for serious physical harm to yourself or others.
- B. When a commitment petition is filed, the court will:
  - 1. Appoint a physician or licensed psychologist to examine you, and
  - 2. Appoint an attorney to represent you.
- C. The commitment hearing must be held within 14 days of the petition being filed. It may be extended for good cause.
- D. 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.
- E. The examiner's report must be filed at least 48 hours prior to the hearing unless otherwise agreed to by the parties.

- F. If the court finds that you are a person at risk of harm due to mental illness, chemically dependent or developmentally disabled, and there is a danger to yourself or others it may commit you to a facility or program that can meet your needs.

## 4) Once Committed

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- A. 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 who pose a risk of harm due to mental illness or have chemical dependency and indeterminately for persons with developmental disabilities with court reviews every three years.
- B. If you are refusing medications and lack capacity 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.
- C. You may ask the court, any time during your commitment, to review the need for continued commitment.

## 5) Cost of Care

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- A. If you are committed to a state-operated treatment program, 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.

## 6) Legal Effects of Commitment

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- A. Firearms possession:
  - 1. A person committed as chemically dependent may not possess any firearm until they have successfully completed treatment ([see MS 624.713 Subd. 1\(5\)](#)).
  - 2. A person committed as a person at risk of harm due to mental illness, developmentally disabled or mentally ill and dangerous may not possess any firearm ([see MS 624.713 Subd. 1\(10\) \(iv\)](#)).
  - 3. There is a procedure for restoring your ability to possess firearms in [MS 624.713 Subd. 4](#). It allows a person who was committed as a person at risk of harm due to mental illness, chemically dependent or developmentally disabled to petition the court to restore the ability to possess a firearm. The court needs to find that the person is not likely to act in a manner dangerous to the public and that it would not be against public interest. The court may consider evidence from a licensed medical doctor or clinical psychologist that you are no longer suffering from your disability or the disease has been successfully treated for three consecutive years.
- B. A commitment as a person at risk of harm due to mental illness, chemically dependent, or developmentally disabled may have an effect on professional or personal licenses. Contact the agency or board that issued your license for more information.
- C. 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.

## 7) Civil Commitment has Two Main Purposes

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

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**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, contact the Office of the Ombudsman for Mental Health and Developmental Disabilities, 121 7th Place E., Suite 420 Metro Square Bldg, St. Paul, Minnesota 55101, <https://mn.gov/omhdd/> Voice: 651-757-1800 or Toll Free: 1-800-657-3506.