

## Emergency Holds and Judicial Holds

### 1) EMERGENCY HOLDS: MN. Stat. 253B.051

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#### When can an emergency hold be used?

The emergency hold process is initiated when an examiner, peace officer or health officer has good reason to believe that you have a mental illness or developmental disability or are chemically dependent and in danger of causing harm to yourself or others.

If you are brought to a treatment facility, state-operated treatment program or community-based treatment program by a peace officer or health officer and the facility or program agrees you have one of these disabilities and it appears you are going to harm yourself or others, the facility or program may admit you.

The officer may provide transportation personally or may arrange for transportation by a suitable medical or mental health transportation provider. When possible, a peace officer providing transportation should not be in uniform and the transport should be in an unmarked car.

#### How long can I be placed on an emergency hold?

After you have been brought to the facility or program, you cannot be held longer than 12 hours unless an Examiner's emergency hold order has been obtained.

Once an emergency hold has been initiated, you can be held in a facility or program for up to 72 hours, excluding weekends or legal holidays. For example, if the hold order was signed at 2 pm on Thursday, it will remain in place until Tuesday at 2 pm.

#### What rights do I have if I'm placed on an emergency hold in a treatment facility or program?

- A. leave after 72 hours, unless the court orders you to be held longer,
- B. a medical exam within 48 hours of your admittance;
- C. request a change from an emergency hold to voluntary status;
- D. receive a copy of the written statement that authorizes your confinement; and
- E. request a summary hearing regarding your release for the emergency hold.

### 2) JUDICIAL HOLDS: MN. Stat. 253B.07 subd. 2b

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#### When can a judicial hold be used?

A court may order that you be brought to a treatment facility or state-operated treatment program or remain held in a treatment facility or state-operated treatment program. A judicial hold may be issued when you:

- A. are in danger of causing serious physical harm to yourself or others unless held;

- B. failed to show up for an examination or commitment hearing; or
- C. are already on an emergency hold and a commitment petition has been filed.

You can be held until the preliminary hearing or for 72 hours, excluding weekends and legal holidays, whichever is shorter. The court can extend the judicial hold longer if the judicial hold standard is met.

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**ADA Statement:** If you have a disability and want this notice in a different format or if you want more detailed information on the commitment process, contact the Office of the Ombudsman for Mental Health and Developmental Disabilities, 332 Minnesota Street, Ste W1410, First National Bank Building, Saint Paul, Minnesota 55101-2117, <https://mn.gov/omhdd/> Voice: 651-757-1800 or Toll Free: 1-800-657-3506.