



State of Minnesota

# Office of the Ombudsman for Mental Health and Developmental Disabilities

121 7<sup>th</sup> Place E. Suite 420 Metro Square Building, St. Paul, Minnesota 55101-2117  
Voice: 651-757-1800 or Toll Free: 1-800-657-3506 TTY/Voice – Minnesota Relay Service 711

## Civil Commitment Process for Mentally Ill and Dangerous

### 1) Pre-Petition Screening and Petition

- 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;
  - 2. investigating alleged behavior requiring commitment;
  - 3. exploring 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 to proceed with commitment.
- D. After receiving the recommendation the county attorney will decide whether a petition will be filed with the court.

### 2) Court Hold Orders

- A. The court may issue an apprehend and hold order and place you in a treatment facility 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) Commitment Hearing

- 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.
- F. If the court finds that you are mentally ill and dangerous to the public, the court shall commit you to a secure facility or a treatment facility willing to accept you and which can meet your needs and meet the public safety requirements.

### 4) After Commitment

- A. The court must hold a final hearing within 90 days of the initial hearing to make a final determination on whether or not you continue to be mentally ill and dangerous (this

may be extended for up to one year if your attorney and the county attorney agree to this). The court may decide to commit as only mentally ill if the evidence supports this. If the court finds you are still mentally ill and dangerous, your commitment is for an indeterminate period of time.

- B. If you are refusing medications (or lack capacity to consent), 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. After the final commitment as mentally ill and dangerous, only the Special Review Board can hear requests for a change in your status.

## 5) Cost of Care

- A. 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.

## 6) Legal Effects of Commitment

- 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\(5\)](#)) or has had his/her ability to possess a firearm restored by a court pursuant to [MS 624.713 Subd. 4](#).
  - 2. A person committed as mentally ill or mentally ill and dangerous may not possess any firearm ([see MS 624.713 Subd. 1\(10\)\(iv\)](#)) except as provided below.
  - 3. You may petition a court to restore your ability to possess a firearm as provided in [MS 624.713 Subd. 4](#). The court can grant your petition if you are not likely to act in a manner that is dangerous to public safety and 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, you have been successfully treated for a period of three consecutive years.
- B. A commitment as mentally ill, 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

- 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 7<sup>th</sup> Place E., Suite 420 Metro Square Bldg, St. Paul, Minnesota 55101, <http://www.ombudmhdd.state.mn.us> Voice: 651-757-1800 or Toll Free: 1-800-657-3506.