

# FACT SHEET

Civil Commitment Training and Resource Center

## Emergency Holds and Judicial Holds

### ***EMERGENCY HOLDS: Minn. Stat. §253B.05.***

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

An emergency hold is used when an examiner, peace officer or health officer has good reason to believe that you have a mental illness and are going to harm yourself or others. If you are brought to a hospital by a health or peace officer and the hospital agrees you have symptoms of mental illness and it appears you are going to harm yourself or others, the facility may admit you.

*When possible, the peace officer should not be in uniform and the transport should be in an unmarked car.*

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

You can be held in a treatment facility for up to 72 hours, excluding weekends or 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?***

You have the right to:

- (1) leave after 72 hours, unless the court orders you to be held longer;
- (2) a medical exam within 48 hours of your admittance;
- (3) request a change from an emergency hold to voluntary status;
- (4) request a summary hearing regarding your release from the emergency hold;
- and
- (5) receive a copy of the written statement that authorizes your confinement.

### ***JUDICIAL HOLDS: Minn. Stat. §253B.07, Subd. 2b.***

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

A court may order that you be brought to a hospital, or remain held in a hospital. A judicial hold is available when you:

- (1) are in danger of causing physical harm to yourself or others unless held;
- (2) failed to show up for an examination or commitment hearing; or
- (3) are already on an emergency hold and a commitment petition has been filed.

#### ***How long can I be placed on a judicial hold?***

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

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For more information please contact:

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