



Initiating Court-Ordered Assisted Treatment Inpatient, Outpatient and Emergency Hospitalization Standards by State

This chart captures the most essential information about who may initiate proceedings leading to court-ordered treatment for an individual with symptoms of severe mental illness.

Please note that while this chart contains much of each standard's actual language, it summarizes only the most crucial provisions of the pertinent statutes for each state. This information does not constitute legal advice and should not be relied upon as a substitute for seeking legal counsel.

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| AL | ALA. CODE § 22-52-1.2(a) § 22-52-91(a) | <p>For inpatient or outpatient commitment: Any person may file a petition seeking the involuntary commitment of another person.</p> <p>For emergency evaluation: When a law enforcement officer is confronted by circumstances and has reasonable cause for believing that a person within the county [meets the criteria for emergency evaluation], the law enforcement officer shall contact a community mental health officer.</p> |
| AK | ALASKA STAT. § 47.30.700(a) § 47.30.705(a) | <p>For involuntary commitment: Upon petition of any adult, a judge shall immediately conduct a screening investigation or direct a local mental health professional ... to conduct a screening investigation of the person.</p> <p>For emergency evaluation: A peace officer, a psychiatrist or physician who is licensed to practice in this state or employed by the federal government, or a clinical psychologist licensed by the state Board of Psychologist and Psychological Associate Examiners who has probable cause to believe that a person [meets the criteria for emergency evaluation] may cause the person to be taken into custody and delivered to the nearest evaluation facility.</p> |
| AZ | ARIZ. REV. STAT. § 36-520(a) § 36-524 | <p>For inpatient or outpatient commitment: Any responsible individual may apply for a court-ordered evaluation of a person who is alleged to be, as a result of a mental disorder, a danger to self or to others, persistently or acutely disabled, or gravely disabled and who is unwilling or unable to undergo a voluntary evaluation.</p> |

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| | | <p>For emergency evaluation:</p> <p>A. A written application for emergency admission shall be made to an evaluation agency before a person may be hospitalized in the agency.</p> <p>B. The application for emergency admission shall be made by a person with knowledge of the facts requiring emergency admission. The applicant may be a relative or friend of the person, a peace officer, the admitting officer or another responsible person.</p> |
| AR | ARK. CODE ANN. § 20-47-207(a) § 20-47-210 (a) | <p>For inpatient or outpatient commitment: Any person having reason to believe that a person meets the criteria for involuntary admission as defined in subsection (c) of this section may file a verified petition with the probate clerk of the county in which the person alleged to have mental illness resides or is detained.</p> <p>For emergency evaluation: Whenever it appears that a person [meets the criteria for emergency evaluation]:</p> <p>(1) An interested citizen may take the person to a hospital or to a receiving facility or program. If no other safe means of transporting the individual is available, it shall be the responsibility of the law enforcement agency that exercises jurisdiction at the site where the individual is physically located and requiring transportation, or unless otherwise ordered by the judge. A petition, as provided in § 20-47-207, shall be filed in the probate court of the county in which the person resides or is detained within seventy-two (72) hours, excluding weekends and holidays, and a hearing, as provided in § 20-47-209(a)(1) shall be held; or</p> <p>(2) Any person filing a petition for involuntary admission may append to the petition a request for immediate confinement which shall state with particularity facts personally known to the affiant which establish reasonable cause to believe that the person sought to be involuntarily admitted is in imminent danger of death or serious bodily harm or that the lives of others are in imminent danger of death or serious bodily harm due to the mental state of the person sought to be involuntarily admitted.</p> |
| CA | CALIF. WELF. & INST. CODE § 5250 § 5346 § 5201 § 5150 | <p>For both inpatient commitment and outpatient commitment via conservatorship: If a person is detained for 72 hours ... and has received an evaluation, he or she may be certified for not more than 14 days of intensive treatment [if:]</p> <p>(a) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and has found the person [meets the criteria].</p> <p>(b) The facility providing intensive treatment ... agrees to admit the person. CALIF. WELF. & INST. CODE § 5251. For a person to be certified under this article, a notice of certification shall be signed by two people. The first person shall be the professional person, or his or her designee, in charge of the agency or facility providing evaluation services. A designee of the professional person in charge of the agency or facility shall be a physician or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders.</p> <p>The second person shall be a physician or psychologist who participated in the evaluation. The physician shall be, if</p> |

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| | | <p>possible, a board certified psychiatrist. The psychologist shall be licensed and have at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders.</p> <p>If the professional person in charge, or his or her designee, is the physician who performed the medical evaluation or a psychologist, the second person to sign may be another physician or psychologist unless one is not available, in which case a licensed clinical social worker or a registered nurse who participated in the evaluation shall sign the notice of certification</p> <p>For outpatient commitment (“assisted outpatient treatment”): Petition for order authorizing outpatient treatment</p> <p>(b) (1) A petition for an order authorizing assisted outpatient treatment may be filed by the county mental health director, or his or her designee, in the superior court in the county in which the person who is the subject of the petition is present or reasonably believed to be present.</p> <p>(2) A request may be made only by any of the following persons to the county mental health department for the filing of a petition to obtain an order authorizing assisted outpatient treatment:</p> <ul style="list-style-type: none"> (A) Any person 18 years of age or older with whom the person who is the subject of the petition resides. (B) Any person who is the parent, spouse, or sibling or child 18 years of age or older of the person who is the subject of the petition. (C) The director of any public or private agency, treatment facility, charitable organization, or licensed residential care facility providing mental health services to the person who is the subject of the petition in whose institution the subject of the petition resides. (D) The director of a hospital in which the person who is the subject of the petition is hospitalized. (E) A licensed mental health treatment provider who is either supervising the treatment of, or treating for a mental illness, the person who is the subject of the petition. (F) A peace officer, parole officer, or probation officer assigned to supervise the person who is the subject of the petition. <p>(3) Upon receiving a request pursuant to paragraph (2), the county mental health director shall conduct an investigation into the appropriateness of the filing of the petition. The director shall file the petition only if he or she determines that there is a reasonable likelihood that all the necessary elements to sustain the petition can be proven in a court of law by clear and convincing evidence.</p> <p>For emergency evaluation:</p> <p>Any individual may apply to the person or agency designated by the county for a petition alleging that there is in the county a person who is, as a result of mental disorder a danger to others, or to himself, or is gravely disabled, and requesting that an evaluation of the person's condition be made.</p> |

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| | | <p>When any person [meets the criteria for emergency evaluation], a peace officer, member of the attending staff... of an evaluation facility..., designated members of a mobile crisis team ..., or other professional person designated by the county may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in ... a facility for 72-hour treatment and evaluation.</p> |
| CO | COLO. REV. STAT. § 27-65-107 § 27-65-108 § 27-65-109(1) § 27-65-105(1)(a)(II) § 27-65-106(2) | <p>For inpatient or outpatient commitment: If a person detained for seventy-two hours ... or a respondent under court order for evaluation ... has received an evaluation, he or she may be certified for not more than three months of short-term treatment. ... The notice of certification must be signed by a professional person on the staff of the evaluation facility who participated in the evaluation and shall state facts sufficient to establish reasonable grounds to believe that the person has a mental illness and, as a result of the mental illness, is a danger to others or to himself or herself or is gravely disabled.</p> <p>If the professional person in charge of the evaluation and treatment believes that a period longer than three months is necessary for treatment of the respondent, he or she shall file with the court an extended certification.</p> <p>Whenever a respondent has received short-term treatment for five consecutive months ..., the professional person in charge of the evaluation and treatment may file a petition with the court for long-term care and treatment of the respondent[.]</p> <p>For emergency evaluation (“72-hour hold”): The following persons [“intervening professionals,” see above] may effect a seventy-two-hour hold:</p> <ul style="list-style-type: none"> (A) A certified peace officer; (B) A professional person; (C) A registered professional nurse ... who by reason of postgraduate education and additional nursing preparation has gained knowledge, judgment, and skill in psychiatric or mental health nursing; (D) A licensed marriage and family therapist or licensed professional counselor ... or an addiction counselor ... who by reason of postgraduate education and additional preparation has gained knowledge, judgment, and skill in psychiatric or clinical mental health therapy, forensic psychotherapy, or the evaluation of mental disorders; or (E) A licensed clinical social worker[.] <p>Any individual may petition the court in the county in which the respondent resides or is physically present alleging that there is a person who appears to have a mental illness and, as a result of the mental illness, appears to be a danger to others or to himself or herself or appears to be gravely disabled and requesting that an evaluation of the person's condition be made.</p> |
| CT | CONN. GEN. STAT. ANN § 17a-497(a) §17a-503 | <p>For inpatient commitment: CONN. GEN. STAT. ANN. § 17a-497(a). [S]uch application may be made by any person and, if any person with psychiatric disabilities is at large and dangerous to the community, the first selectman or chief executive officer of the town in which he or she resides or in which he or she is at large shall make such application.</p> |

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| | | <p>For emergency evaluation: CONN. GEN. STAT. ANN. §17a-503</p> <p>(a) Any police officer who has reasonable cause to believe that a person [meets the criteria for emergency evaluation] may take such person into custody and take or cause such person to be taken to a general hospital for emergency examination[.]</p> <p>(b) Upon application by any person to the court of probate ... alleging that any respondent [meets the criteria for emergency evaluation] such court may issue a warrant for the apprehension and bringing before it of such respondent and examine such respondent. If the court determines that there is probable cause to believe that such person [meets the criteria for emergency evaluation], the court shall order that such respondent be taken to a general hospital for examination[.]</p> <p>(c) Any psychologist ... who has reasonable cause to believe that a person [meets the criteria for emergency evaluation] may issue an emergency certificate in writing that authorizes and directs that such person be taken to a general hospital for purposes of a medical examination[.]</p> <p>(d) Any clinical social worker ... or advanced practice registered nurse ... who (1) has received a minimum of eight hours of specialized training in the conduct of direct evaluations as a member of (A) any mobile crisis team, jail diversion program, crisis intervention team, advanced supervision and intervention support team, or assertive case management program operated by or under contract with the Department of Mental Health and Addiction Services, or (B) a community support program certified by the Department of Mental Health and Addiction Services, and (2) based upon the direct evaluation of a person, has reasonable cause to believe that such person [meets the criteria for emergency evaluation] may issue an emergency certificate in writing that authorizes and directs that such person be taken to a general hospital for purposes of a medical examination[.]</p> |
| DE | DEL. CODE ANN. tit.16 § 5007(a) § 5003 § 5122(b) | <p>For inpatient commitment: Forthwith, but not more than 2 working days from the date of provisional admission, the hospital shall file a verified complaint in the Superior Court[.] The complaint shall aver that the hospital, as petitioner, reasonably and in good faith believes that the involuntary patient (who shall be named as respondent) is a mentally ill person who should be continued as a patient at the hospital pursuant to this chapter until the patient is determined no longer to be a mentally ill person.</p> <p>No person shall be involuntarily admitted to the hospital as a patient except pursuant to the written certification of a psychiatrist that based upon the psychiatrist's examination of such person, such person suffers from a disease or condition which requires the person to be observed and treated at a mental hospital for the person's own welfare and which either renders such person unable to make responsible decisions with respect to the person's hospitalization, or poses a present threat, based upon manifest indications, that such person is likely to commit or suffer serious harm to that person's own self or others or to property, if not given immediate hospital care and treatment[meets the criteria for commitment].</p> <p>For emergency evaluation (“provisional hospitalization): Upon the signed complaint of any person stating the person has knowledge that a designated person appears to be so mentally ill as to [meet the criteria for emergency evaluation], such alleged mentally ill person shall be promptly taken into custody by any peace officer of the State to whom the complaint is delivered without the necessity of a warrant.</p> |
| DC | D.C. CODE ANN. § 21-541(a) § 21-521 | <p>For inpatient or outpatient commitment: Proceedings for the judicial commitment of a person in the District of Columbia may be commenced by the filing of a petition with the Commission by his spouse, parent, or legal guardian, by a physician or a qualified psychologist, by a duly accredited officer or agent of the Department, by the Director of the Department or the</p> |

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| | | <p>Director's designee, or by an officer authorized to make arrests in the District of Columbia.</p> <p>For emergency evaluation: An accredited officer or agent of the Department of Mental Health of the District of Columbia, or an officer authorized to make arrests in the District of Columbia, or a physician or qualified psychologist of the person in question, who has reason to believe that a person is mentally ill and, because of the illness, is likely to injure himself or others if he is not immediately detained may, without a warrant, take the person into custody.</p> |
| FL | FLA. STAT. § 394.467(3) § 394.4655(3) § 394.463(2)(a) | <p>For inpatient commitment: <i>Petition for involuntary inpatient placement.</i> -The administrator of the facility shall file a petition for involuntary inpatient placement in the court in the county where the patient is located.</p> <p>For outpatient commitment (“involuntary outpatient placement”): <i>Petition for involuntary outpatient placement.</i></p> <p>(a) A petition for involuntary outpatient placement may be filed by:</p> <ol style="list-style-type: none"> 1. The administrator of a receiving facility; or 2. The administrator of a treatment facility. <p>For emergency evaluation (“involuntary examination”): An involuntary examination may be initiated by any one of the following means:</p> <ol style="list-style-type: none"> 1. A court may enter an ex parte order stating that a person appears to meet the criteria for involuntary examination, giving the findings on which that conclusion is based. The ex parte order for involuntary examination must be based on sworn testimony, written or oral. 2. A law enforcement officer shall take a person who appears to meet the criteria for involuntary examination into custody and deliver the person or have him or her delivered to the nearest receiving facility for examination. 3. A physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker may execute a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. |
| GA | GA. CODE ANN. § 37-3-61(2) § 37-3-41(a) § 37-3-42(a) | <p>For inpatient or outpatient commitment: Any person may file with the court a petition executed under oath alleging that a person within the county is a mentally ill person requiring involuntary treatment. The petition must be accompanied by the certificate of a physician or psychologist stating that he has examined the patient within the preceding five days and has found that the patient may be a mentally ill person requiring involuntary treatment and that a full evaluation of the patient is necessary.</p> <p>For emergency evaluation: “Any physician within this state may execute a certificate stating that he has personally examined a person within the preceding 48 hours and found that, based upon observations set forth in the certificate, the</p> |

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| | | <p>person appears to be a 'mentally ill person requiring involuntary treatment'."</p> <p>"A peace officer may take any person to a physician within the county or an adjoining county for emergency examination by the physician, or directly to an emergency receiving facility if (1) the person is committing a penal offense, and (2) the peace officer has probable cause for believing that the person is a 'mentally ill person requiring involuntary treatment'."</p> |
| HI | HAW. REV. STAT. § 334-60.3(a) § 334-123(a) § 334-59(a)(1) | <p>For inpatient commitment: Any person may file a petition alleging that a person located in the county meets the criteria for commitment to a psychiatric facility.</p> <p>For outpatient commitment: Any person may file a petition with the family court alleging that another person meets the criteria for involuntary outpatient treatment.</p> <p>For emergency evaluation: If a police officer has reason to believe that a person is imminently dangerous to self or others, or is gravely disabled, or is obviously ill, the officer shall call for assistance from the mental health emergency workers designated by the director.</p> |
| ID | IDAHO CODE § 66-329(1) § 66-326(1) | <p>For inpatient or outpatient commitment: Proceedings for the involuntary care and treatment of mentally ill persons by the department of health and welfare may be commenced by the filing of a written application with a court of competent jurisdiction by a friend, relative, spouse or guardian of the proposed patient, or by a licensed physician, prosecuting attorney, or other public official of a municipality, county or of the state of Idaho, or the director of any facility in which such patient may be.</p> <p>For emergency evaluation: [A] person may be taken into custody by a peace officer and placed in a facility, or the person may be detained at a hospital at which the person presented or was brought to receive medical or mental health care, if the peace officer or a physician medical staff member of such hospital has reason to believe that the person [meets the criteria for emergency evaluation].</p> |
| IL | 405 ILL. COMP. STAT. 5/3-701(a) 5/3-751(a) 5/3-601(a) 5/3-606 5/3-607 | <p>For inpatient commitment: Any person 18 years of age or older may execute a petition asserting that another person is subject to involuntary admission on an inpatient basis.</p> <p>For outpatient commitment ("involuntary admission on an outpatient basis"): Any person 18 years of age or older may execute a petition asserting that another person is subject to involuntary admission on an outpatient basis.</p> <p>For emergency evaluation: When a person is asserted to be subject to involuntary admission on an inpatient basis and in such a condition that immediate hospitalization is necessary for the protection of such person or others from physical harm, any person 18 years of age or older may present a petition to the facility director of a mental health facility in the county where the respondent resides or is present. The petition may be prepared by the facility director of the facility.</p> <p>A peace officer may take a person into custody and transport him to a mental health facility when the peace officer has reasonable grounds to believe that the person is subject to involuntary admission on an inpatient basis and in need of</p> |

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| | | <p>immediate hospitalization to protect such person or others from physical harm.</p> <p>Court ordered temporary detention and examination. When, as a result of personal observation and testimony in open court, any court has reasonable grounds to believe that a person appearing before it is subject to involuntary admission on an inpatient basis and in need of immediate hospitalization to protect such person or others from physical harm, the court may enter an order for the temporary detention and examination of such person.</p> |
| IN | IND. CODE ANN. § 12-26-7-2(b) § 12-26-6-2(b) | <p>For inpatient or outpatient commitment: A proceeding for the commitment of an individual who appears to be suffering from a chronic mental illness may be begun by filing with a court having jurisdiction a written petition by any of the following:</p> <ol style="list-style-type: none"> (1) A health officer (2) A police officer (3) A friend of the individual (4) A relative of the individual (5) The spouse of the individual (6) A guardian of the individual (7) The superintendent of a facility where the individual is present (8) A prosecuting attorney in accordance with IC 35-36-2-4 (9) A prosecuting attorney or the attorney for a county office if civil commitment proceedings are initiated under IC 31-34-19-3 or IC 31-37-18-3 (10) A third party that contracts with the division of mental health and addiction to provide competency restoration services to a defendant under IC 35-36-3-3 or IC 35-36-3-4 <p>For emergency evaluation: A petitioner under subsection (a)(3) must be at least eighteen (18) years of age.</p> |
| IA | IOWA CODE § 229.6 § 229.22(2a) | <p>For inpatient or outpatient commitment, or emergency evaluation: IOWA CODE § 229.6. Proceedings for the involuntary hospitalization of an individual may be commenced by any interested person by filing a verified application with the clerk of the district court of the county where the respondent is presently located, or which is the respondent's place of residence[.]</p> <p>For emergency evaluation, alternatively: IOWA CODE § 229.22(2a). In the [absence of immediate access to the district court], any peace officer who has reasonable grounds to believe that a person [meets the criteria for emergency evaluation] may without a warrant take or cause that person to be taken to the nearest available facility or hospital.</p> |
| KS | KAN. STAT. ANN. § 59-2957(a) § 59-2953(a) § 59-2954(c) § 59-2958(a) | <p>For inpatient or outpatient commitment: A verified petition to determine whether or not a person is a mentally ill person subject to involuntary commitment for care and treatment under this act may be filed in the district court of the county wherein that person resides or wherein such person may be found. <i>[Statute places no limitation upon whom may petition the court.]</i></p> <p>For emergency evaluation: Any law enforcement officer who has a reasonable belief formed upon investigation that a person [meets the criteria for emergency evaluation] may take the person into custody without a warrant. The officer shall transport the person to a treatment facility where the person shall be examined by a physician or psychologist on duty at the</p> |

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| | | <p>treatment facility.</p> <p>A treatment facility may admit and detain any person presented for emergency observation and treatment upon the written application of any individual, except that a state psychiatric hospital shall not admit and detain any such person, unless a written statement from a qualified mental health professional authorizing such admission to a state psychiatric hospital has been obtained.</p> <p>At the time the petition for the determination of whether a person is a mentally ill person subject to involuntary commitment for care and treatment under this act is filed, or any time thereafter prior to the trial upon the petition ..., the petitioner may request in writing that the district court issue an ex parte emergency order including either or both of the following: (1) An order directing any law enforcement officer to take the person named in the order into custody and transport the person to a designated treatment facility or other suitable place willing to receive and detain the person; (2) an order authorizing any named treatment facility or other place to detain or continue to detain the person until the further order of the court or until the ex parte emergency custody order shall expire.</p> |
| KY | KY. REV. STAT. ANN. § 202A.051(3) § 202A.041(1) § 202A.031(1) | <p>For inpatient or outpatient commitment: The petition shall be filed by a qualified mental health professional, peace officer, county attorney, Commonwealth's attorney, spouse, relative, friend, or guardian of the individual concerning whom the petition is filed, or any other interested person.</p> <p>For emergency evaluation ("72-hour emergency admission"): Any peace officer who has reasonable grounds to believe that an individual [meets the criteria for emergency evaluation] shall take the individual into custody and transport the individual without necessary delay to a hospital or psychiatric facility.</p> <p>An authorized staff physician may order the admission of any person who is present at, or is presented at, a hospital. Within twenty-four hours (excluding weekends and holidays) of the admission under this section, the authorized staff physician ordering the admission of the individual shall certify in the record of the individual that in his opinion the individual should be involuntarily hospitalized.</p> |
| LA | LA. REV. STAT. ANN. § 28:54(A) § 28:67 § 28:53.2(A) | <p>For inpatient commitment: Any person of legal age may file with the court a petition which asserts his belief that a person is suffering from mental illness which contributes or causes that person to be a danger to himself or others or to be gravely disabled, or is suffering from substance abuse which contributes or causes that person to be a danger to himself or others or to be gravely disabled and may thereby request a hearing. The petition may be filed in the judicial district in which the respondent is confined, or if not confined, in the judicial district where he resides or may be found.</p> <p>For outpatient commitment: A petition to obtain an order authorizing involuntary outpatient treatment may be initiated by one of the following persons:</p> <ol style="list-style-type: none"> (1) The director of a hospital in which the patient is hospitalized. (2) The director of an emergency receiving center in which the patient is receiving services. (3) The director of the human service district, or his designee, or the manager of the regional office of the |

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| | | <p>Department of Health and Hospitals, office of behavioral health, or his designee, in the parish in which the patient is present or reasonably believed to be present.</p> <p>For emergency evaluation: Any parish coroner or judge of a court of competent jurisdiction may order a person to be taken into protective custody and transported to a treatment facility or the office of the coroner for immediate examination when a peace officer or other credible person executes a statement under private signature specifying that, to the best of his knowledge and belief, the person [meets the criteria for emergency evaluation].</p> |
| ME | ME. REV. STAT. ANN. § 3863(5-A) § 3873-A § 3863(1) | <p>For inpatient commitment: CONTINUATION OF HOSPITALIZATION. If there is need for further hospitalization of the person as determined by the chief administrative officer of the hospital, the chief administrative officer shall first determine if the person may be informally admitted[.] ... If informal admission is not suitable or is refused by the person, the chief administrative officer may seek involuntary commitment in accordance with this subsection.</p> <p>A. If the person is at a state mental health institute, the chief administrative officer may seek involuntary commitment by applying for an order under section 3864.</p> <p>B. If the person is at a designated nonstate mental health institution, the chief administrative officer may seek involuntary commitment only by requesting the commissioner to apply for an order under section 3864[.]</p> <p>For outpatient commitment (“progressive treatment program”): The superintendent or chief administrative officer of a psychiatric hospital, the commissioner or the director of an ACT team, except as limited by subsection 10, may obtain an order from the District Court to admit a patient to a progressive treatment program[.]</p> <p>For emergency evaluation: Any health officer, law enforcement officer or other person may apply to admit a person to a psychiatric hospital [on an emergency basis].</p> |
| MD | MD. CODE ANN., HEALTH-GEN. § 10-614(a) § 10-622(b)(1) | <p>For inpatient commitment: Except as provided in subsection (b) of this section, application for involuntary admission of an individual to a facility or Veterans' Administration hospital may be made ... by any person who has a legitimate interest in the welfare of the individual.</p> <p>For emergency evaluation: The petition for emergency evaluation of an individual may be made by:</p> <ul style="list-style-type: none"> (i) A physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, or health officer or designee of a health officer who has examined the individual; (ii) A peace officer who personally has observed the individual or the individual's behavior; or (iii) Any other interested person. |
| MA | MASS. GEN. LAWS ANN. ch. 123 § 12 | <p>For inpatient commitment: Commitment by Physicians or Police Officers for Limited Period; Notices; Extension of Term of Commitment.</p> <p>(a) Any physician or qualified psychiatric nurse mental health clinical specialist who after examining a person has reason to</p> |

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| | | <p>believe that failure to hospitalize such person would create a likelihood of serious harm by reason of mental illness may restrain or authorize the restraint of such person and apply for the hospitalization of such person for a three day period at a public facility or at a private facility authorized for such purposes by the department.</p> <p>(e) Any person may make application to a district court justice or a justice of the juvenile court department for a three day commitment to a facility of a mentally ill person whom the failure to confine would cause a likelihood of serious harm.</p> <p>For emergency evaluation: (a) Any physician ..., or a qualified psychologist ..., or a licensed independent clinical social worker ... who, after examining a person, has reason to believe that [the person meets the emergency evaluation criteria] may restrain or authorize the restraint of such person and apply for the hospitalization of such person for a 3-day period at a public facility or at a private facility authorized for such purposes by the department. <i>If an examination is not possible because of the emergency nature of the case and because of the refusal of the person to consent to such examination, the physician, qualified psychologist, qualified psychiatric nurse mental health clinical specialist or licensed independent clinical social worker on the basis of the facts and circumstances may determine that hospitalization is necessary and may apply therefore.</i> In an emergency situation, if a physician, qualified psychologist, qualified psychiatric nurse mental health clinical specialist or licensed independent clinical social worker is not available, a police officer, who believes that [the person meets the emergency evaluation criteria] may restrain such person and apply for the hospitalization of such person for a 3-day period at a public facility or a private facility authorized for such purpose by the department[.]</p> |
| MI | MICH. COMP. LAWS § 330.1423 § 330.1434(1) § 330.1427(1) | <p>For inpatient commitment: Hospitalization pending certification by psychiatrist. A [designated] hospital ... shall hospitalize an individual presented to the hospital, pending receipt of a clinical certificate by a psychiatrist stating that the individual is a person requiring treatment, if an application, a physician's or a licensed psychologist's clinical certificate, and an authorization by a preadmission screening unit have been executed.</p> <p>For inpatient or outpatient commitment: Any individual 18 years of age or over may file with the court a petition that asserts that an individual is a person requiring treatment.</p> <p>For emergency evaluation: [A] peace officer may take [an] individual [who appears to meet the criteria for emergency evaluation] into protective custody and transport the individual to a preadmission screening unit designated by a community mental health services program for examination ... or for mental health intervention services. ... Upon arrival at the preadmission screening unit or site designated by the preadmission screening unit, the peace officer shall execute an application for hospitalization of the individual.</p> |
| MN | MINN. STAT. § 253B.07(2)(a) § 253B.064(1)(A) § 253B.05(1)(a) § 253B.05(2) | <p>For inpatient commitment: Any interested person, except a member of the prepetition screening team, may file a petition for commitment in the district court of the county of financial responsibility or the county where the proposed patient is present. If the head of the treatment facility believes that commitment is required and no petition has been filed, the head of the treatment facility shall petition for the commitment of the person.</p> <p>For outpatient commitment (“early intervention treatment”): An interested person may apply to the designated agency for early intervention of a proposed patient in the county of financial responsibility or the county where the patient is present. If the designated agency determines that early intervention may be appropriate, a prepetition screening report must be prepared [as required with candidates for inpatient commitment]. The county attorney may file a petition for early intervention</p> |

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| | | <p>following the procedures [set forth for inpatient commitment].</p> <p>For emergency evaluation: Any person may be admitted or held for emergency care and treatment in a treatment facility ... with the consent of the head of the treatment facility upon a written statement by an examiner[.]</p> <p>A peace or health officer may take a person into custody and transport the person to a licensed physician or treatment facility if the officer has reason to believe ... that the person [meets the criteria for emergency evaluation].</p> |
| MS | MISS. CODE ANN. § 41-21-65(2) § 41-21-67(5) | <p>For inpatient or outpatient commitment: If any person is alleged to be in need of treatment, any relative of the person, or any interested person, may make affidavit of that fact and shall file the affidavit with the clerk of the chancery court of the county in which the person alleged to be in need of treatment resides.</p> <p>For emergency evaluation: Whenever a licensed psychologist, nurse practitioner or physician assistant who is certified to complete examinations for the purpose of commitment or a licensed physician has reason to believe that a person [meets the criteria for emergency evaluation], then the physician, psychologist, nurse practitioner or physician assistant may hold the person or may admit the person to and treat the person in a licensed medical facility, without a civil order or warrant for a period not to exceed seventy-two hours.</p> |
| MO | MO. ANN. STAT. § 632.305(1) | <p>For inpatient or outpatient commitment, or emergency evaluation: An application for detention for evaluation and treatment may be executed by any adult person[.]</p> |
| MT | MONT. CODE ANN. § 53-21-121.(1) § 53-21-129.(1) | <p>For inpatient or outpatient commitment: The county attorney, upon the written request of any person having direct knowledge of the facts, may file a petition with the court alleging that there is a person within the county who is suffering from a mental disorder and who requires commitment pursuant to this chapter.</p> <p>For emergency evaluation: When an emergency situation exists, a peace officer may take any person who appears to have a mental disorder and to present an imminent danger of death or bodily harm to the person or to others into custody only for sufficient time to contact a professional person for emergency evaluation. If possible, a professional person should be called prior to taking the person into custody.</p> |
| NE | NEB. REV. STAT. § 71-921(1) § 71-919(1) | <p>For inpatient or outpatient commitment: Any person who believes that another person is mentally ill and dangerous may communicate such belief to the county attorney. If the county attorney concurs ... he or she shall file a petition as provided in this section.</p> <p>For emergency evaluation: A law enforcement officer who has probable cause to believe that a person is mentally ill and [meets the criteria for emergency evaluation] may take such person into emergency protective custody, cause him or her to be taken into emergency protective custody, or continue his or her custody if he or she is already in custody.</p> |
| NV | NEV. REV. STAT. § 433A.200 § 433A.160 | <p>For inpatient commitment: A proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, psychologist, social worker or registered nurse, by an accredited agent of the Department or by any</p> |

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| | | <p>officer authorized to make arrests in the State of Nevada.</p> <p>For emergency evaluation: [A]n application for the emergency admission of a person alleged to be a person with mental illness for evaluation, observation and treatment may only be made by an accredited agent of the Department, an officer authorized to make arrests in the State of Nevada or a physician, psychologist, marriage and family therapist, clinical professional counselor, social worker or registered nurse[.]</p> |
| NH | <p>N.H. REV. STAT. ANN. § 135-C:35 § 135-C:28</p> | <p>For inpatient or outpatient commitment: Any responsible person may petition for a hearing relative to the need for admission on an involuntary basis of another person due to mental illness.</p> <p>For emergency evaluation (“Involuntary Emergency Admission Examination”):</p> <p>I. The involuntary emergency admission of a person shall be to the state mental health services system under the supervision of the commissioner. The admission may be ordered upon the certificate of a physician or A.P.R.N. ... The physician or A.P.R.N. must find that the person to be admitted meets the criteria ... [Petitioner] means any individual, including a physician or A.P.R.N. completing a certificate, who has requested that a physician or A.P.R.N. conduct or who has conducted an examination for purposes of involuntary emergency admission[.]</p> <p>II. [I]f the person sought to be admitted refuses to consent to a mental examination, a petitioner or a law enforcement officer may sign a complaint which shall be sworn to before a justice of the peace. The complaint shall be submitted to the justice of the peace with the petition... If the justice of the peace finds that a compulsory mental examination is necessary, the justice may order the examination.</p> <p>III. When a peace officer observes a person engaging in behavior which gives the peace officer reasonable suspicion to believe that the person may [meet the criteria for emergency evaluation] the police officer may place the person in protective custody[.]</p> |
| NJ | <p>N.J. STAT. ANN. § 30:4-27.10 § 30:4-27.6</p> | <p>For inpatient or outpatient commitment:</p> <p>a. (1) A short-term care or psychiatric facility or a special psychiatric hospital shall initiate court proceedings for involuntary commitment to inpatient or outpatient treatment by submitting to the court a clinical certificate[.]</p> <p>(2) A screening service or outpatient treatment provider shall initiate court proceedings for commitment to outpatient treatment by submitting to the court a clinical certificate[.]</p> <p>b. Court proceedings for the involuntary commitment to treatment of any person not referred by a screening service may be initiated by the submission to the court of two clinical certificates, at least one of which is prepared by a psychiatrist. The person shall not be involuntarily committed before the court issues a temporary court order.</p> <p>c. A court proceeding for involuntary commitment to treatment of an inmate who is scheduled for release upon expiration of a maximum term of incarceration shall be initiated by the Attorney General or county prosecutor by submission to the court of two clinical certificates...</p> <p>d. The Attorney General, in exercise of the State's authority as <i>parens patriae</i>, may initiate a court proceeding for the</p> |

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| | | <p>involuntary commitment to treatment of any person in accordance with the procedures set forth ...</p> <p>For emergency evaluation: A State or local law enforcement officer shall take custody of a person and take the person immediately and directly to a screening service if [the person meets the criteria].</p> <p><i>* Outpatient law was effective August 11, 2010, but implementation has been delayed. The law is scheduled to be phased in over the next three years</i></p> |
| NM | N.M. STAT. ANN. § 43-1-11(G) § 43-1-10(B) | <p>For inpatient commitment: An interested person who reasonably believes that an adult is suffering from a mental disorder and presents a likelihood of serious harm to the adult's own self or others, but does not require emergency care, may request the district attorney to investigate and determine whether reasonable grounds exist to commit the adult for a thirty-day period of evaluation and treatment.</p> <p>For emergency evaluation: An emergency evaluation under this section shall be accomplished upon the request of a peace officer, or jail or detention facility administrator or his designee, or upon the certification of a licensed physician or certified psychologist as described in Subsection C of this section. A court order is not required under this section.</p> |
| NY | N.Y. MENTAL HYG. LAW § 9.27(a) § 9.60(e)(1) § 9.43 (a) | <p>For inpatient commitment: The director of a hospital may receive and retain therein as a patient any person alleged to be mentally ill and in need of involuntary care and treatment upon the certificates of two examining physicians, accompanied by an application for the admission of such person. The examination may be conducted jointly but each examining physician shall execute a separate certificate.</p> <p>For outpatient commitment: A petition for an order authorizing assisted outpatient treatment may be filed in the supreme or county court in the county in which the subject of the petition is present or reasonably believed to be present. Such petition may be initiated only by the following persons:</p> <ul style="list-style-type: none"> (i) any person eighteen years of age or older with whom the subject of the petition resides; or (ii) the parent, spouse, sibling eighteen years of age or older, or child eighteen years of age or older of the subject of the petition; or (iii) the director of a hospital in which the subject of the petition is hospitalized; or (iv) the director of any public or charitable organization, agency or home providing mental health services to the subject of the petition in whose institution the subject of the petition resides; or (v) psychiatrist who is either supervising the treatment of or treating the subject of the petition for a mental illness; or (vi) a psychologist or a social worker who is treating the subject of the petition for a mental illness; or (vii) the director of community services, or his or her designee, or the social services official, as defined in the social services law, of the city or county in which the subject of the petition is present or reasonably believed to be present; or (viii) a parole officer or probation officer assigned to supervise the subject of the petition. <p>For emergency evaluation: Whenever any court of inferior or general jurisdiction is informed by verified statement that a person [meets the criteria for emergency evaluation], such court shall issue a warrant directing that such person be brought</p> |

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| | | before it. If, when said person is brought before the court, it appears to the court, on the basis of evidence presented to it, that such person has or may have a mental illness which is likely to result in serious harm to himself or herself or others, the court shall issue a civil order directing his or her removal to any hospital specified in subdivision (a) of section [fig 2] 9.39 or any comprehensive psychiatric emergency program specified in subdivision (a) of section 9.40, willing to receive such person for a determination by the director of such hospital or program whether such person should be retained therein pursuant to such section. |
| NC | N.C. GEN. STAT. § 122C-261(a) § 122C-262(a) | <p>For inpatient or outpatient commitment: Anyone who has knowledge of an individual who is mentally ill and either (i) dangerous to self or dangerous to others, or (ii) in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness, may appear before a clerk or assistant or deputy clerk of superior court or a magistrate and execute an affidavit to this effect, and petition the clerk or magistrate for issuance of an order to take the respondent into custody for examination by a physician or eligible psychologist.</p> <p>For emergency evaluation: Anyone, including a law enforcement officer, who has knowledge of an individual who is subject to inpatient commitment ...and who [meets the criteria for emergency evaluation], may transport the individual directly to an area facility or other place, including a State facility for the mentally ill, for examination by a physician or eligible psychologist.</p> |
| ND | N.D. CENT. CODE § 25-03.1.08 § 25-03.1-25.1 | <p>For inpatient or outpatient commitment: Any person eighteen years of age or over shall present the information necessary for the commitment of an individual for involuntary treatment to the state's attorney of the county where the respondent is presently located, or which is the respondent's place of residence, or to an attorney retained by that person to represent the applicant throughout the proceedings.</p> <p>For emergency evaluation: A peace officer, physician, psychiatrist, psychologist, or mental health professional [who] has reasonable cause to believe that an individual is a person requiring treatment and there exists a serious risk of harm to that person, other persons, or property of an immediate nature that considerations of safety do not allow preliminary intervention by a magistrate.</p> |
| OH | OHIO REV. CODE ANN. § 5122.11 § 5122.10 | <p>For inpatient or outpatient commitment: Proceedings for the hospitalization of a person shall be commenced by the filing of an affidavit in the manner and form prescribed by the department of mental health, by any person or persons with the court, either on reliable information or actual knowledge.</p> <p>For emergency evaluation: Any psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer or sheriff may take a person into custody ... [if they have] reason to believe that the person is a mentally ill person subject to hospitalization by court order and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination.</p> |
| OK | 43A OKL. ST. § 5-410(A) § 5-207(G) | <p>For inpatient or outpatient commitment: The following persons may file or request the district attorney to file a petition with the district court, upon which is hereby conferred jurisdiction, to determine whether an individual is a person requiring treatment, and to order the least restrictive appropriate treatment for the person:</p> <ol style="list-style-type: none"> 1. The father, mother, husband, wife, brother, sister, guardian or child, over the age of eighteen (18) years, of an individual |

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| | | <p>alleged to be a person requiring treatment;</p> <ol style="list-style-type: none"> 2. A licensed mental health professional; 3. The executive director of a facility designated by the Commissioner of Mental Health and Substance Abuse Services as appropriate for emergency detention; 4. An administrator of a hospital that is approved by the Joint Commission on Accreditation of Healthcare Organizations; provided, however, in any involuntary commitment procedure in which a hospital is the petitioner pursuant to the provisions of this section, the hospital may participate in such hearing without retaining their own legal counsel if the hospital provides as a witness a mental health therapist or a licensed mental health professional; 5. A person in charge of any correctional institution; 6. Any peace officer within the county in which the individual alleged to be a person requiring treatment resides or may be found; or 7. The district attorney in whose district the person resides or may be found. <p>For emergency evaluation: The parent, brother or sister who is eighteen (18) years of age or older, child who is eighteen (18) years of age or older, or guardian of the person, or a person who appears to be or states that such person is mentally ill, alcohol-dependent, or drug-dependent to a degree that emergency action is necessary may request the administrator of a facility designated by the Commissioner as an appropriate facility for an initial assessment to conduct an initial assessment to determine whether the condition of the person is such that emergency detention is warranted and, if emergency detention is warranted, to detain the person[.]</p> |
| OR | OR. REV. STAT. § 426.070(1) § 426.228(1) | <p>Inpatient or outpatient commitment: Any of the following may initiate commitment procedures:</p> <ol style="list-style-type: none"> (a) Two persons; (b) The county health officer; or (c) Any magistrate. <p>For emergency evaluation: A peace officer may take into custody a person who the officer has probable cause to believe [meets the criteria for emergency evaluation].</p> |
| PA | 50 PA. CONS. STAT. ANN. § 7304(c)(1) § 7302(a) | <p>For inpatient or outpatient commitment: Any responsible party may file a petition in the court of common pleas requesting court-ordered involuntary treatment for any person not already in involuntary treatment.</p> <p>For emergency evaluation: Emergency examination may be undertaken at a treatment facility upon the certification of a physician stating the need for such examination; or upon a warrant issued by the county administrator authorizing such examination; or without a warrant upon application by a physician or other authorized person who has personally observed conduct showing the need for such examination.</p> |

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| RI | R.I. GEN. LAWS § 40.1-5-8(a) § 40.1-5-7(a)(1) | <p>For inpatient or outpatient commitment: The petition may be filed by any person with whom the subject of the petition may reside, or at whose house he or she may be, or the father or mother, husband or wife, brother or sister, or the adult child of any such person, the nearest relative if none of the above are available, or his or her guardian, or the attorney general, or a local director of public welfare, or the director of the department of mental health, retardation, and hospitals, the director of the department of human services, or the director of the department of corrections, the director of the department of health, the warden of the adult correctional institutions, the superintendent of the boys training school for youth, or his or her designated agent, or the director of any facility, or his or her designated agent whether or not the person shall have been admitted and is a patient at the time of the petition.</p> <p>For emergency evaluation (“emergency certification”): Any physician, who [has reason to believe that the person meets the criteria for emergency evaluation], may apply at a facility for the emergency certification of the person thereto. The medical director, or any other physician employed by the proposed facility for certification may apply ... if no other physician is available and he or she certifies this fact ... In the event that no physician is available, a qualified mental health professional or police officer who believes the person [meets the criteria for emergency evaluation], may make the application for emergency certification to a facility[.]</p> |
| SC | S.C. CODE ANN. § 44-17-510 § 44-17-410 | <p>For inpatient or outpatient commitment: Proceedings for involuntary hospitalization by judicial procedure may be commenced by filing a written petition with the probate court of the county where he is present or where he is a resident by any interested person or the superintendent of any public or private mental institution in which he may be.</p> <p>For emergency evaluation: A person may be admitted to a public or private hospital, mental health clinic, or mental health facility for emergency admission upon: (1) written affidavit under oath by a person stating [the belief that a person meets the criteria]</p> |
| SD | S.D. CODIFIED LAWS § 27A-10-1 | <p>For inpatient or outpatient commitment, or emergency evaluation: If any person is alleged to [meet the criteria], any person, eighteen years of age or older, may complete a petition stating the factual basis for concluding that such person is severely mentally ill and in immediate need of intervention.</p> |
| TN | TENN. CODE ANN. § 33-6-504 § 33-6-402 | <p>For inpatient commitment: Persons who may file complaint for commitment under this part.</p> <p>The parent, legal guardian, legal custodian, conservator, spouse, or a responsible relative of the person alleged to be in need of care and treatment, a licensed physician, a licensed psychologist [designated as a health service provider], a health or public welfare officer, an officer authorized to make arrests in the state, or the chief officer of a facility that the person is in, may file a complaint to require involuntary care and treatment of a person with mental illness or serious emotional disturbance under this part.</p> <p>For emergency evaluation: If an officer authorized to make arrests in the state, a licensed physician, a psychologist [designated as a health service provider], or a professional designated by the commissioner [to take actions and perform duties imposed by law upon physicians] has reason to believe that a person [meets the criteria for emergency evaluation], then the officer, physician, psychologist, or designated professional may take the person into custody without a civil order or warrant for immediate examination under § 33-6-404 for certification of need for care and treatment.</p> |

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| TX | TEX. HEALTH & SAFETY CODE § 574.001(a) § 573.011(a) | <p>For inpatient or outpatient commitment: A county or district attorney or other adult may file a sworn written application for court-ordered mental health services.</p> <p>For emergency evaluation: An adult may file a written application for the emergency detention of another person.</p> |
| UT | UTAH CODE ANN. § 62A-15-631(1) § 62A-15-629(1)(a) | <p>For inpatient or outpatient commitment: Proceedings for involuntary commitment of an individual who is 18 years of age or older may be commenced by filing a written application with the district court of the county in which the proposed patient resides or is found, <i>by a responsible person</i> who has reason to know of the condition or circumstances of the proposed patient which lead to the belief that the individual is mentally ill and should be involuntarily committed.</p> <p>For emergency evaluation: An adult may be temporarily [held] upon:</p> <ul style="list-style-type: none"> (i) written application by a responsible person who has reason to know, stating a belief that the individual is likely to cause serious injury to himself or others if not immediately restrained, and stating the personal knowledge of the individual's condition or circumstances which lead to that belief; and (ii) a certification by a licensed physician or designated examiner |
| VT | VT. STAT. ANN. tit. 18 § 7612(a) § 7101(9) § 7504(a) § 7505(a) | <p>For inpatient or outpatient commitment: An interested party may, by filing a written application, commence proceedings for the involuntary treatment of an individual by judicial process.</p> <p>'Interested party' means a guardian, spouse, parent, adult child, close adult relative, a responsible adult friend or person who has the individual in his charge or care. It also means a mental health professional, a law enforcement officer, a licensed physician, a head of a hospital, a selectman, a town service officer or a town health officer.</p> <p>For emergency evaluation: A person shall be admitted ... for an emergency examination ... upon written application by <i>an interested party</i> accompanied by a certificate by a licensed physician who is not the applicant.</p> <p>In emergency circumstances where a certification by a physician is not available ... a law enforcement officer or mental health professional may make an application, not accompanied by a physician's certificate, to any district or superior judge for a warrant for an immediate examination.</p> |
| VA | VA CODE ANN. § 37.2-808(A) § 37.2-809(B) | <p>For inpatient or outpatient commitment (“mandatory outpatient treatment”): <i>[Not specified by statute, but right to petition the court is considered open to any “responsible person.” See VA District Court Form DC-4001.]</i></p> <p>For emergency evaluation (conducted in Virginia in two stages):</p> <p>For “emergency custody” (removal of person to hospital): [A] magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion..., an emergency custody [upon probable cause].</p> |

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| | | <p>For “temporary detention” (retaining person up to 48 hours for evaluation): A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted ... by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, ... a temporary detention order if it appears [warranted] from all evidence readily available[.]</p> |
| WA | REV. CODE WASH. § 71.05.230 § 71.05.150 § 71.05.153 | <p>For inpatient or outpatient commitment (“less restrictive alternate treatment”): Procedures for additional treatment</p> <p>A person detained for seventy-two hour evaluation and treatment may be detained for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary intensive treatment. ... The professional staff of the agency or facility or the designated mental health professional [shall file] a petition for fourteen day involuntary detention or a ninety day less restrictive alternative with the court. The petition must be signed either by:</p> <ul style="list-style-type: none"> (a) Two physicians; (b) One physician and a mental health professional; (c) Two psychiatric advanced registered nurse practitioners; (d) One psychiatric advanced registered nurse practitioner and a mental health professional; or (e) A physician and a psychiatric advanced registered nurse practitioner. <p>The persons signing the petition must have examined the person...At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated mental health professional may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment[.]</p> <p>For emergency evaluation or “initial detention”: (1) When a designated mental health professional receives information alleging that a person, as a result of a mental disorder [meets the criteria for inpatient commitment], the designated mental health professional may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention. Before filing the petition, the designated mental health professional must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility, crisis stabilization unit, or triage facility.</p> <p>(2) (a) An order to detain to a designated evaluation and treatment facility for not more than a seventy-two-hour evaluation and treatment period may be issued by a judge of the superior court upon request of a designated mental health professional, whenever it appears to the satisfaction of a judge of the superior court:</p> <ul style="list-style-type: none"> (i) That there is probable cause to support the petition; and (ii) That the person has refused or failed to accept appropriate evaluation and treatment voluntarily. <p>(1) When a designated mental health professional receives information alleging that a person [meets the criteria for emergency evaluation], after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated mental health professional may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not</p> |

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| | | <p>more than seventy-two hours[.].</p> <p>(2) A peace officer may take or cause such person to be taken into custody and immediately delivered to a triage facility, crisis stabilization unit, evaluation and treatment facility, or the emergency department of a local hospital under the following circumstances:</p> <p>(a) Pursuant to subsection (1) of this section; or</p> <p>(b) When he or she has reasonable cause to believe that such person [meets the criteria for emergency evaluation].</p> |
| WV | W. VA. CODE § 27-5-4(b) §27-5-2(a) | <p>For inpatient or outpatient commitment: Final commitment proceedings for an individual may be commenced by [any person with] the filing of a written application under oath and the certificate or affidavit[.]</p> <p>For emergency evaluation: Any adult person may make an application for involuntary hospitalization for examination of an individual.</p> |
| WI | WIS. STAT. ANN. § 51.20(1)(b) § 51.15(1)(a) | <p>For inpatient or outpatient commitment: Each petition for examination shall be signed by 3 adult persons, at least one of whom has personal knowledge of the conduct of the subject individual... If a petitioner is not a petitioner having personal knowledge ... the petition shall contain a statement providing the basis for his or her belief.</p> <p>Each petition for examination shall be signed by 3 adult persons, at least one of whom has personal knowledge of the conduct of the subject individual.</p> <p>For emergency evaluation: A law enforcement officer may detain an individual if the officer has cause to believe that the individual [meets the criteria for emergency evaluation] is mentally ill and the individual evidences any of the following:</p> |
| WY | WYO. STAT. ANN. § 25-10-110.(a) § 25-10-109.(a) | <p>For inpatient or outpatient commitment: Proceedings for the involuntary hospitalization of a person may be commenced by the filing of a written application with the court in the county in which the person is initially detained...</p> <p>For emergency evaluation: When a law enforcement officer or examiner has reasonable cause to believe a person [meets the emergency evaluation criteria] the person may be detained.</p> |