



INVOLUNTARY HOSPITALIZATION OF ADULTS



INFORMATION FOR PETITIONERS/FAMILY MEMBERS/DETAINED INDIVIDUALS



Overview: There are times when a loved one, friend or co-worker requires emergency treatment in a hospital due to mental illness or abuse of alcohol or drugs. Your loved one, friend, or co-worker may be saying or doing things that indicate possible risk of hurting himself or may not be taking care of himself in major areas such as eating, sleeping, or hygiene. In the ideal situation, the individual would agree to see a professional mental health provider or go to the hospital voluntarily for help. But, sometimes the person does not recognize that they are ill and/or is not willing to seek assistance. Hospitalizing a person against his or her will is a last resort action that may occur only after all less restrictive alternatives have been exhausted. For these cases, the Virginia legislature has established a number of laws and processes that dictate when and how involuntary hospitalization can occur.

How Does This Occur?

The first step is to call the **Emergency Services Program at the Prince William County Community Services (702-792-7800/792-4900)**. We will listen to your concerns and make recommendations about ways to obtain assistance or help for the individual in question. We may attempt to talk to the individual by phone and encourage him or her to seek assistance on his or her own. If these steps are not successful and the level of risk has been determined to be substantial, the Emergency Services therapist can request an **Emergency Custody Order (ECO)** from a Prince William County Magistrate. The ECO allows the police to take the individual into custody and transport him/her to the Community Services' office or to a designated facility where he or she will be evaluated by a qualified mental health professional. Following an evaluation, the level of care needed to manage safety will be discussed with the individual and family. It may be that outpatient treatment or some other form of treatment that does not include hospitalization will be possible. If it is determined that hospitalization is necessary, the individual will be given the opportunity to agree to voluntary admission to a hospital.

However, if the individual is not willing or lacks the capacity to make this decision, the law allows for involuntary hospitalization. A second order, called a **Temporary Detention Order (TDO)**, will be requested from a Magistrate. The TDO is a legal document that allows police or other law enforcement personnel to transport an individual to a psychiatric hospital for treatment. The individual will remain hospitalized until a commitment hearing can take place. **Family or friends need to be aware, that for safety reasons and according to their policy, law enforcement personnel will handcuff the individual during transport or at any point during the ECO or TDO process where this is necessary.**

At the time the Temporary Detention Order is issued, the law requires that a document called the **Commitment Petition**, be obtained. The Commitment Petition is a formal notarized document that

serves to verify that a “petitioner” believes that the individual in question is mentally ill and a danger to himself or others and /or is unable to care for himself, and is not willing to obtain treatment on his own. The person who signs the petition is stating that he or she has observed or has knowledge of behaviors that indicate the individual is at risk. Frequently, the petitioner is a family member, roommate, or close friend. While the law does not require the presence of the petitioner at the Commitment Hearing, his or her presence is a practical necessity. If no one is available to provide first-hand testimony about the events leading to the individual’s hospitalization, the Special Justice hearing the case may determine that there is insufficient evidence and may release the individual.

During the detention period, an **independent evaluator**, who is a mental health professional qualified in the diagnosis and treatment of mental illness and who has no financial interest in the disposition of the case, will conduct an evaluation and provide a written report that addresses the criteria for commitment and recommends what level of treatment would be most appropriate. This usually occurs the day preceding the hearing. The information will be made available to the Special Justice at the time of the hearing.

The commitment hearing will generally be held within 48 hours of detention; however, if the 48 hours falls on a weekend and holiday, the detention period will be extended with the hearing being held on the next working day. Family and friends as appropriate will be notified of the hearing time and location by the Community Service coordinating the hearing.

What Happens At the Commitment Hearing?

The purpose of the Commitment Hearing is to determine if the detained individual needs further ordered treatment. Although somewhat less formal than other court proceedings, a Commitment Hearing is a legal proceeding with a **Special Justice** presiding and a **court appointed attorney** representing the individual. It is important to recognize that this involuntary commitment process is a civil, not a criminal process. The detained individual has not been charged with any crime. Family and friends may attend the hearing and provide testimony. In order to be ordered into treatment, there must be significant evidence that this individual, due to mental illness or substance abuse, is or will, in the near future, be a danger to himself or others and/or is unable to protect or care for himself.

Under Virginia Law, the court-appointed attorney is required to represent the individual’s wishes. This means that if the individual wants to be released, the attorney will advocate for this and will challenge the contention that the individual requires hospitalization.

Before the hearing can take place, an **independent evaluator**, who is a qualified mental health professional, will conduct an evaluation and will provide a written recommendation about what treatment would be most appropriate for the individual. This usually occurs the day preceding the hearing. The information will be made available to the Special Justice at the time of the hearing.

Prior to beginning the hearing, the Special Justice will ask the individual and his or her attorney if he or she would like to request voluntary hospitalization. An individual, according to the law, has an **absolute right** to request voluntary hospitalization. This option is called a “**Court Mandated Admission**.” In this situation, the individual signs a written agreement to remain in the hospital for a minimum of 5 days and agrees to provide the hospital 48 hours notice regarding his or her desire to be discharged.

Notice can be given after 3 days of hospitalization. If the individual elects this option, there is no full hearing and no need for testimony. (The exception to this right to request voluntary hospitalization is if the individual does not have the capacity to knowingly make this decision).

If the individual does not require hospitalization, the Special Justice convenes the hearing. The Special Justice then reviews the Uniform Preadmission Screening form that was completed by the Community Services therapist at the time of the detention, the independent evaluator's report, and will listen to testimony from the "petitioner," family/friends to report about the behaviors or events that led to the individual's detention so the Special Justice has as much information as possible in order to make an informed decision. After all, it is the family and/or friends who know the individual best.

Be sure to mention any of the following behaviors if they have occurred. These are the types of things the Special Justice is most concerned about.

- Suicide threats
- Threats to harm others
- Violence/destruction of property
- Uncontrollable anger or anxiety
- Not eating or sleeping
- Not bathing or taking care of self/hygiene
- Severe depression, hopelessness
- Hearing or seeing things that do not exist (hallucinations)
- Having beliefs that are not based on reality (delusions)
- Withdrawing from daily activities
- Grossly inappropriate behaviors

While history is important, for the purpose of the hearing, the Special Justice will be most interested in behaviors that led to the individual's current detention. So focus on those behaviors which occurred in the preceding few weeks.

After reviewing all of the information that has been provided, the Special Justice will make a decision regarding the need for further treatment.

There are four possible outcomes of a full commitment hearing. The individual may be:

1. **(Released)** (dismissal of petition) because the Special Justice did not find clear and convincing evidence that the individual met one or more of the commitment criteria or due to a technicality such as not have a petition.
2. Committed to outpatient treatment. This is also known as **Mandatory Outpatient Treatment (MOT)**. In this case the individual has been found to meet hospitalization criteria but a lesser restrictive alternative has been determined to be appropriate. The individual agrees to participate in outpatient treatment with very specific terms and conditions and is court ordered to comply with this plan. If the individual does not comply with the conditions agreed upon, he or she can be brought back before the Special Justice for another hearing.

3. Allowed to request a **Court Mandated Admission**, in which the individual agrees to remain in the hospital for 5 days and to give 48 hours notice of his or her desire to be discharged as described above. The 48 hour notice gives hospital staff time to request another evaluation by Community Services if it is believed the individual is not safe to leave inpatient treatment.
4. Or the individual can be ordered into **involuntary inpatient treatment** for maximum of 30 days. The treating psychiatrist may discharge the individual at any time prior to the end of the 30 days. The average length of stay in a hospital is about five to ten days. If the treating physician believes that more than 30 days of treatment is needed, he or she can request that another hearing be conducted.

Where are Hearings Held?

Commitment hearings in Prince William County are held at **Prince William Hospital at the Behavioral Health Unit at 8680 Hospital Way, Manassas, VA 20110, 703-369-8464** or at the **Community Services offices at 7969 Ashton Ave., Manassas, VA 20109, 703-792-7800/4900**. Hearings generally are scheduled between 11am and 1pm Monday through Friday, but can be scheduled at any time. There may be one to ten hearings scheduled on any day. The order of the hearings is determined by the Special Justice and the attorney and according to transportation needs. Each hearing is different and the amount of time spent will vary. Unfortunately, this means that families may have to wait for their turn. We will try to advise you when there will be a wait.

Who Pays for All of This?

As with other services, there is a fee for evaluation and intervention services. Depending on the circumstances, the individual may receive a bill from the Community Services. Community Services charges according to one's ability to pay and fees are discounted according to household income and number of people in the family. There is no cost to the individual or the family for the Special Justice or the court appointed attorney. The hospital stay prior to the commitment hearing is paid for by the State Supreme Court if the individual does not have health insurance. After the commitment hearing, for either voluntary or involuntary hospitalization, if the individual has insurance, their insurance will be billed. For adults without health insurance, placement at Northern Virginia Mental Health Institute (NVMHI) in Falls Church will be sought. There may be a fee for treatment at NVMHI that is based upon income and other factors. In some circumstances, when a bed is not available at NVMHI for someone who has no insurance, placement may occur at a designated private hospital using funds supplied by the state, if available.

How are you feeling? The Commitment hearing can be stressful for all parties involved. This may be a new experience for you and the individual for whom you are concerned. You may find yourself dealing with a variety of emotions. You may feel out of control. You may feel embarrassed that outside agencies are now involved in your life. You may feel guilty that you could not handle the situation yourself. You may feel angry that this is happening, or you may just feel sad. If problems have been building for a long time, or if this is not the first time you have been through this process, you may simply feel exhausted, physically and emotionally and tired of having to continuously deal with the same old issues. All of these feelings are natural and normal. **Find someone to talk to. Take care of yourself.** It's important to eat well, stay hydrated, get plenty of rest and don't forget to exercise. It is also OK to plan some enjoyable activities for yourself.

You can also contact us at Community Services (703-792-7800/792-4900) for counseling or information on resources. Another good resource is **NAMI** (the National Alliance for the Mentally Ill). NAMI offers information and support groups for individuals and family members. The Virginia group can be reached by calling **1-888-486-8264**.