

Mental Health Commitments

Court Ordered Evaluation for Mentally Ill Persons

If a person is a danger to himself/herself or others or is gravely disabled (i.e. cannot provide for basic necessities) due to a mental illness any individual may sign an affidavit affirming sufficient facts to establish the mental illness and the danger or grave disability of the person. The County Attorney's Office is available to facilitate the drafting and filing of the affidavit.

Based upon the affidavit, the court may order the person described in the affidavit to be taken into custody and placed in a mental health facility for a seventy-two hour treatment and evaluation (excluding Saturday, Sunday and holidays).

If the court orders the person into custody, a sheriff's officer will pick the person up and transport him/her to a mental health facility for the seventy-two hour hold and evaluation.

Treatment During a Mental Health Seventy-Two Hour Hold

Whenever a person is involuntarily admitted to a seventy-two treatment facility, such person shall be advised that s/he is going to be examined with regard to his or her mental condition. S/he shall also be advised of his/her right to retain counsel with any attorney at any time

and if s/he cannot afford one, the court will appoint one.

During the seventy-two hour mental health hold, the evaluating mental health professional will determine if the person shall be released, referred for further care and treatment on a voluntary basis, or certified for short-term treatment

Certification for Short-Term Treatment

A person who has received an evaluation may be certified for not more than three months of short-term involuntary treatment under the following conditions:

- 1) The professional staff of the mental health facility providing seventy-two hour treatment and evaluation has found the person is mentally ill and because of the mental illness is a danger to others or himself/herself or is gravely disabled; and
- 2) The person has been advised of the availability of, but has not accepted voluntary treatment; or reasonable grounds exist to believe the person will not remain in voluntary treatment.

The notice of certification must be signed by a professional person in the staff of the evaluation facility who participated in the evaluation and shall state facts sufficient to establish reason to believe that the person is mentally ill and as a result of such mental illness is a danger to himself/herself or to others or is gravely disabled.

The certification shall be filed with the court within 48 hours of the date of certification in the county in which the person resided or was physically present

immediately prior to being taken into custody for the evaluation.

Whenever a certification is filed with the court, the court shall immediately appoint an attorney to represent the person. The person shall be given a written notice that explains that s/he is entitled to a hearing by judge or jury to determine the validity of his/her certification.

The person on a short-term certification or his/her attorney may at any time file a written request that the certification or treatment be reviewed by the court or that treatment be on an outpatient basis. In such case the court shall hear the request within 10 days.

Long Term Commitment

After the expiration of a short-term certification the treating physician may request that the court continue the certification for an additional six months if the same criteria for short term commitment are met. A hearing is automatically scheduled for long term commitments.

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