

CIVIL COMMITMENT FLOWCHART

“Interested Person” is connected to the Community Mental Health Center (CMHC) for a pre-affidavit screening. 41-21-61(e), 41-21-65(5), 41-21-67(1)(a)

CMHC must conduct the pre-affidavit screening within 24 hours of being notified. 41-21-67(1)(a)

Pre-affidavit screening investigation includes an interview and investigation for the need for civil commitment. 41-21-67(1)(a)(i)-(iii)

If commitment is recommended, the pre-affidavit screener submits a report to the chancery clerk certifying that a less restrictive alternative treatment was considered and why it is not appropriate. 41-21-67(1)(c)

If a commitment is not recommended, the pre-affidavit screener shall provide the prospective petitioner with connection to other alternative services and resources. 41-21-67(1)(d)

The pre-affidavit screener shall refuse to support an affidavit if evidence does not support commitment. 41-21-67(1)(d) If the interested person wishes to proceed with commitment contrary to the pre-affidavit screener’s recommendation, application may be made to the chancellor. 41-21-67(1)(e).

After the CMHC has attempted to complete an in-person screening, if the person is actively violent or refuses to participate, an affidavit may be filed and a writ will be issued for the sheriff to intervene. 41-21-67(2)

“Interested Person” files an affidavit for commitment. 41-21-61(e), 41-21-65

No attorney shall be required. 41-21-65(5)

A form affidavit shall be provided by the Chancery Clerk if needed by affiant. 41-21-65(2)

Affidavit must state specifically that a **less restrictive alternative treatment was considered** and specify why it is not appropriate. 41-21-65(5)

Affiant may only be charged no more than \$150 total fee if able to pay. 41-21-65(6), 25-7-9(o)

Chancellor may transfer case to county of residence or hear it in county where found. 41-21-65(5)

After pre-affidavit screening is completed and filed with the court, a writ is issued for Sheriff to take the patient for examination and treatment. 41-21-67(1)

Healthcare professionals immediately appointed for examinations **within 48 hours from order of examinations**, with a possible 8-hour extension. 41-21-67(3), 41-21-69(2) and an attorney is appointed for patient 41-21-67(4)

However, if the pre-affidavit screening **recommends against commitment**, the chancellor may refuse to appoint two physicians to conduct the examinations. 41-21-67(3)(a)

Examination by **two doctors, or one doctor and professional** designated by law 41-21-67(3)

Each appointed examiner must make a full inquiry into the physical and mental health. 41-21-69

If the respondent is in need of treatment, a hearing shall be set **within 3 days of the filing** of the certificates unless an extension is requested by the respondent’s attorney. The hearing **shall not occur more than 5 days** after the filing of the certificates, **unless the court orders to extend the hearing date**, which shall not exceed 5 additional days. 41-21-71

PATIENT MAY BE RELEASED OR CONFINED PENDING THE COMMITMENT HEARING.

Patient **may be committed to inpatient care**, voluntary or court-ordered outpatient commitment for treatment, day or night treatment in hospital, placement in custody of a friend or relative, home health services, or dismissed. 41-21-71, 41-21-73

Patient may be held in a licensed medical facility, crisis stabilization unit, **or any other available suitable location** pending transfer to a state facility. 41-21-67(5), 41-21-73(4), 41-21-77

Chancellor may order peace officer or other person to transport person to facility or suitable location. 41-21-67(5)(a)

Patient **may be transported by law enforcement in the county or outside of the county.** 41-21-140, 41-19-43

PATIENT MAY NOT BE HELD IN JAIL UNLESS CMHC HAS EXPLORED AND EXHAUSTED AVAILABILITY OF OTHER FACILITIES, THE CHANCELLOR SPECIFICALLY AUTHORIZES IT, AND THE RESPONDENT IS ACTIVELY VIOLENT. 41-21-67(5)(B)

Director of local public or private facility **may discharge patient with same authority as director of a state facility.** 41-21-87

Patient discharged when no longer meets commitment criteria, or can be served **in less restrictive environment**, or services/facilities unavailable. 41-21-87

All costs are borne **by the county of residence**, though the patient may be charged up to \$400.00 if financially able to pay. 41-21-79, 41-21-73(4)&(9)

Affiant/interested person **may not be charged any fee other than original filing fee**, other than criminal fines or contempt fees. 41-21-65(4)

For more information, please visit www.dmh.ms.gov/civil-commitment