

STATE STANDARDS FOR EMERGENCY EVALUATION

UPDATED: SEPTEMBER 2020



200 NORTH GLEBE ROAD, SUITE 801
ARLINGTON, VIRGINIA 22203
(703) 294-6001

TreatmentAdvocacyCenter.org

Alabama

ALA. CODE § 22-52-91(a). When a law enforcement officer is confronted by circumstances and has reasonable cause for believing that a person within the county is mentally ill and also believes that the person is likely to be of immediate danger to self or others, the law enforcement officer shall contact a community mental health officer... If [a] community mental health officer determines from the conditions, symptoms, and behavior that the person appears to be mentally ill and poses an immediate danger to self or others, [a] law enforcement officer shall take the person into custody and, together with the community mental health officer, deliver the person directly to the designated mental health facility[.]

Alaska

ALASKA STAT. § 47.30.705(a). [Where there is] probable cause to believe that a person is gravely disabled or is suffering from mental illness and is likely to cause serious harm to self or others of such immediate nature that considerations of safety do not allow initiation of [a court-ordered screening investigation] ... the person [may] be taken into custody and delivered to the nearest crisis stabilization center (...) or the nearest evaluation facility.

Arizona

ARIZ. REV. STAT. § 36-524(C). The application [to an evaluation agency for emergency evaluation] ... shall include the following:

1. A statement by the applicant that he believes on the basis of personal observation that the person is, as a result of a mental disorder, a danger to self or others, and that during the time necessary to complete the [standard] prepetition screening procedures ... the person is likely without immediate hospitalization to suffer serious physical harm or serious illness or is likely to inflict serious physical harm upon another person.
2. The specific nature of the danger.
3. A summary of the observations upon which the statement of danger is based.
4. The signature of the applicant.

ARIZ. REV. STAT. § 36-525(B). In those instances in which the [emergency evaluation application] procedures ... are not available, a peace officer may take into custody any individual the police officer has probable cause to believe is, as a result of mental disorder, a danger to self or others, and that during the time necessary to complete the [standard] prepetition screening procedures ... the person is likely without immediate hospitalization to suffer serious physical harm or serious illness or to inflict serious physical harm on another person.

Arkansas

ARK. CODE ANN. § 20-47-210(a). Whenever it appears that a person is of danger to himself or herself or others ... and immediate confinement appears necessary to avoid harm to the person or others [the person may be detained for evaluation.]

California

CALIF. WELF. & INST. CODE § 5150(a). When a person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, [designated persons] may, upon probable cause, take, or cause to be taken, the person into custody for a period of up to 72-hours for assessment, evaluation, and crisis intervention, or placement for evaluation and treatment[.]

Colorado

COLO. REV. STAT. § 27-65-105(1). Emergency procedure may be invoked under either one of the following two conditions:

- (a) (I) When any person appears to have a mental illness and, as a result of such mental illness, appears to be an imminent danger to others or to himself or herself or appears to be gravely disabled, then a person ... referred to in this section as the "intervening professional," upon probable cause and with such assistance as may be required, may take the person into custody, or cause the person to be taken into custody, and placed in a facility designated or approved by the executive director for a seventy-two-hour treatment and evaluation.
- (b) Upon an affidavit sworn to or affirmed before a judge that relates sufficient facts to establish that a person appears to have a mental illness and, as a result of the mental illness, appears to be an imminent danger to others or to himself or herself or appears to be gravely disabled, the court may order the person described in the affidavit to be taken into custody and placed in a facility designated or approved by the executive director for a seventy-two-hour treatment and evaluation.

Connecticut

CONN. GEN. STAT. ANN. § 17a-502(a). Any person who a physician concludes has psychiatric disabilities and is dangerous to himself or others or gravely disabled, and is in need of immediate care and treatment in a hospital for psychiatric disabilities, may be confined in such a hospital, either public or private[.]

Delaware

DEL CODE ANN. tit. 16 § 5004(b). An individual may be held on an emergency detention if it reasonably appears to a credentialed mental health screener ... that the person is acting in a manner that appears to be dangerous to self or dangerous to others[.]

DEL CODE ANN. tit. 16 § 5001(8). "Emergency detention" and "emergently detained" means the process whereby an adult who appears to have a mental condition, and whose mental condition causes the person to be dangerous to self or dangerous to others, and who is unwilling to be admitted to a facility voluntarily for assessment or care, is involuntarily detained for such evaluation and treatment for 24 hours in a designated psychiatric facility because other less restrictive, more community integrated services are not appropriate or available to meet the person's current mental health care needs.

District of Columbia

D.C. CODE ANN. § 21-521. 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.

Florida

FLA. STAT. § 394.463(1). A person may be taken to a receiving facility for involuntary examination if there is reason to believe that the person has a mental illness and because of his or her mental illness:

- (a)
 - 1. The person has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or
 - 2. The person is unable to determine for himself or herself whether examination is necessary; and
- (b)
 - 1. Without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or
 - 2. There is a substantial likelihood that without care or treatment the person will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

Georgia

GA. CODE ANN. § 37-3-41(a). Any physician within this state may execute a certificate stating that he or she has personally examined a person within the preceding 48 hours and found that, based upon observations set forth in the certificate, such person appears to be a mentally ill person requiring involuntary treatment.

GA. CODE ANN. § 37-3-42(a). 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.

Hawaii

HAW. REV. STAT. § 334-59(a)(1). Upon determination by the mental health emergency workers that the person is imminently dangerous to self or others, the person shall be transported by ambulance or other suitable means, to a licensed psychiatric facility for further evaluation and possible emergency hospitalization. A law enforcement officer may also take into custody and transport to any facility designated by the director any person threatening or attempting suicide.

HAW. REV. STAT. § 334-59(a)(2). Upon written or oral application of any [authorized professional], a judge may issue an ex parte order [for emergency evaluation]... stating that there is probable cause to believe the person is mentally ill or suffering from substance abuse, is imminently dangerous to self or others and in need of care or treatment, or both[.]... The order shall direct that a law enforcement officer

or other suitable individual take the person into custody and deliver the person to a designated mental health program, if subject to an assisted community treatment order issued ..., or to the nearest facility designated by the director for emergency examination and treatment, or both.

Idaho

IDAHO CODE § 66-326(1). [A] person may be taken into custody ... [or] detained [for emergency evaluation upon] reason to believe that the person is gravely disabled due to mental illness or the person's continued liberty poses an imminent danger to that person or others, as evidenced by a threat of substantial physical harm[.]

IDAHO CODE § 66-326(2). If the court finds the individual to be gravely disabled due to mental illness or imminently dangerous under subsection (1) of this section, the court shall issue a temporary custody order requiring the person to be held in a facility, and requiring an examination of the person by a designated examiner within twenty-four (24) hours of the entry of the order of the court.

Illinois

405 ILL. COMP. STAT. 5/3-600. A person 18 years of age or older who is subject to involuntary admission on an inpatient basis and in need of immediate hospitalization may be admitted to a mental health facility pursuant to this Article.

Indiana

IND. CODE ANN. § 12-26-4-1. A law enforcement officer, having reasonable grounds to believe that an individual has a mental illness, is either dangerous or gravely disabled, and is in immediate need of hospitalization and treatment, may ... [a]pprehend and transport the individual to the nearest appropriate facility.

IND. CODE ANN. § 12-26-5-1(b). An application [for emergency evaluation] must contain both of the following:

- (1) A statement of the applicant's belief that the individual is:
 - (A) mentally ill and either dangerous or gravely disabled; and
 - (B) in need of immediate restraint.
- (2) A statement by at least one (1) physician that, based on:
 - (A) an examination; or
 - (B) information given the physician;

the individual may be mentally ill and either dangerous or gravely disabled.

Iowa

IOWA CODE 229.11(1). If ... the judge ... finds probable cause to believe that the respondent has a serious mental impairment and is likely to injure the respondent or other persons if allowed to remain at

liberty, the judge may enter a written order directing that the respondent be taken into immediate custody by the sheriff or the sheriff's deputy and be detained until the hospitalization hearing.

IOWA CODE § 229.22(1),(2a). [W]hen it appears that a person should be immediately detained due to serious mental impairment, but an application [for civil commitment] has not been filed ... and the person cannot be ordered into immediate custody and detained pursuant to [judicial order], ... any peace officer who has reasonable grounds to believe that a person is mentally ill, and because of that illness is likely to physically injure the person's self or others if not immediately detained, may without a warrant take or cause that person to be taken to the nearest available facility or hospital[.]

Kansas

KAN. STAT. ANN. § 59-2953(a). [A] mentally ill person [who] because of such person's mental illness is likely to cause harm to self or others if allowed to remain at liberty may [be taken by a law enforcement officer] into custody without a warrant.

KAN. STAT. ANN. § 59-2954(c)(3). [An application to a treatment facility for emergency detention of a person shall state] the applicant's belief that the person may be a mentally ill person subject to involuntary commitment and because of the person's mental illness is likely to cause harm to self or others if not immediately detained[.]

Kentucky

KY. REV. STAT. ANN. § 202A.041(1). Any peace officer who has reasonable grounds to believe that an individual is mentally ill and presents a danger or threat of danger to self, family, or others if not restrained shall take the individual into custody and transport the individual without unnecessary delay to a hospital or psychiatric facility ... for the purpose of an evaluation to be conducted by a qualified mental health professional.

KY. REV. STAT. ANN. § 202A.028(1). Following an examination by a qualified mental health professional and a certification by that professional that the person meets the criteria for involuntary hospitalization, a judge may order the person hospitalized for a period not to exceed seventy-two (72) hours, excluding weekends and holidays.

Louisiana

LA. REV. STAT. ANN. § 28:54(D)(3). If the respondent refuses to be examined by the court-appointed physician or medical psychologist ... or if the judge, after reviewing the petition and an affidavit [..], finds that the respondent has a mental illness or is suffering from a substance-related or addictive disorder and is in need of immediate hospitalization to protect the person or others from physical harm, or that the respondent's condition may be markedly worsened by delay, then the court may issue a court order for custody of the respondent[.]

LA. REV. STAT. ANN. § 28:53(L)(1). A peace officer or a peace officer accompanied by an emergency medical service trained technician may take a person into protective custody... when, as a result of his personal observation, the peace officer or emergency medical service technician has reasonable grounds to believe the person is a proper subject for involuntary admission to a treatment facility because the person is acting in a manner dangerous to himself or dangerous to others, is gravely disabled, and is in need of immediate hospitalization to protect such a person or others from physical harm.

Maine

ME. REV. STAT. ANN. tit. 34B, § 3862(1)(A). If a law enforcement officer has probable cause to believe that a person may be mentally ill and that due to that condition the person presents a threat of imminent and substantial physical harm to that person or to other persons, or if a law enforcement officer knows that a person has an advance health care directive authorizing mental health treatment and the officer has probable cause to believe that the person lacks capacity, the law enforcement officer...[m]ay take the person into protective custody.

ME. REV. STAT. ANN. tit. 34B, § 3863(1). Application. Any health officer, law enforcement officer or other person may apply to admit a person to a psychiatric hospital ... stating:

A. The applicant's belief that the person is mentally ill and, because of the person's illness, poses a likelihood of serious harm; and

B. The grounds for this belief.

ME. REV. STAT. ANN. tit. 34B, § 3863(2). Certifying examination. The written application must be accompanied by a dated certificate, signed by a medical practitioner stating:

A. That the practitioner has examined the person on the date of the certificate;

B. That the medical practitioner is of the opinion that the person is mentally ill and, because of that illness, poses a likelihood of serious harm. The written certificate must include a description of the grounds for that opinion. The opinion may be based on personal observation or on history and information from other sources considered reliable by the examiner, including, but not limited to, family members[.]

Maryland

MD. CODE ANN., HEALTH-GEN. § 10-622(a). A petition for emergency evaluation of an individual may be made under this section only if the petitioner has reason to believe that the individual:

(1) Has a mental disorder; and

(2) The individual presents a danger to the life or safety of the individual or of others.

Massachusetts

MASS. GEN. LAWS ANN. ch. 123, § 12(a). Any [specified health care professional] who, after examining a person, has reason to 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 3-day period[.]

Michigan

MICH. COMP. LAWS § 330.1427(1). If a peace officer observes an individual conducting himself or herself in a manner that causes the peace officer to reasonably believe that the individual is a person requiring treatment ..., the peace officer may take the individual into protective custody and transport the individual ... for examination ... or for mental health intervention services.

MICH. COMP. LAWS § 330.1438. If it appears to the court that the individual requires immediate assessment because the individual presents a substantial risk of significant physical or mental harm to himself or herself in the near future or presents a substantial risk of significant physical harm to others in the near future, the court may order the individual hospitalized and may order a peace officer to take the individual into protective custody and transport the individual to a preadmission screening unit designated by the community mental health services program.

Minnesota

MINN. STAT. § 253B.051

Subdivision 1. Peace officer or health officer authority.

- a. If a peace officer or health officer has reason to believe, either through direct observation of the person's behavior or upon reliable information of the person's recent behavior and, if available, knowledge or reliable information concerning the person's past behavior or treatment that the person:
 1. has a mental illness or developmental disability and is in danger of harming self or others if the officer does not immediately detain the patient, the peace officer or health officer may take the person into custody and transport the person to an examiner or a treatment facility, state-operated treatment program, or community-based treatment program;

Mississippi

MISS. CODE ANN. § 41-21-65(5). 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 Uniform Civil Commitment Affidavit with the clerk of the chancery court of the county in which the person alleged to be in need of treatment resides...

MISS. CODE ANN. § 41-21-67(5). Whenever a [designated professional] has reason to believe that a person poses an immediate substantial likelihood of physical harm to himself or others or is gravely disabled and unable to care for himself by virtue of mental illness, then the [designated professional] 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 (72) hours.

Missouri

MO. ANN. STAT. § 632.305(2). If the court finds that there is probable cause ... to believe that the respondent may be suffering from a mental disorder and presents a likelihood of serious harm to himself or others, it shall direct a peace officer to take the respondent into custody and transport him to a mental health facility for detention for evaluation and treatment for a period not to exceed ninety-six hours.

MO. ANN. STAT. § 632.305(3). A mental health coordinator ... or a peace officer may [initiate emergency evaluation] only when such mental health coordinator or peace officer has reasonable cause to believe that such person is suffering from a mental disorder and that the likelihood of serious harm by such person to himself or others is imminent unless such person is immediately taken into custody.

Montana

MONT. CODE ANN. § 53-21-102(7). "Emergency situation" means:

- (a) a situation in which any person is in imminent danger of death or bodily harm from the activity of a person who appears to be suffering from a mental disorder and appears to require

commitment; or

(b) a situation in which any person who appears to be suffering from a mental disorder and appears to require commitment is substantially unable to provide for the person's own basic needs of food, clothing, shelter, health, or safety.

MONT. CODE ANN. § 53-21-129(1). 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 or who appears to have a mental disorder and to be substantially unable to provide for the person's own basic needs of food, clothing, shelter, health, or safety 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.

Nebraska

NEB. REV. STAT. § 71-919(1). A law enforcement officer who has probable cause to believe that a person is mentally ill and dangerous ... and that the harm is likely to occur before mental health board proceedings may be initiated to obtain custody of the person 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.

Nevada

NEV. REV. STAT. § 433A.160. [A designated person] may: (a) Without a warrant: (1) Take a person alleged to be a person with mental illness into custody to apply for the emergency admission of the person for evaluation, observation and treatment ... only if [the designated person] based upon his or her personal observation of the person, has probable cause to believe that the person is a person in a mental health crisis.

NEV. REV. STAT. § 433A.170.

[T]he administrative officer of a facility operated by the Division or of any other public or private mental health facility or hospital shall not accept an application for an emergency admission (...) unless that application is accompanied by a certificate of a licensed psychologist, a physician, a physician assistant under the supervision of a psychiatrist, a clinical social worker (...) or an advanced practice registered nurse (...) stating that he or she has examined the person alleged to be a person in a mental health crisis and that he or she has concluded that the person is a person in a mental health crisis. The certificate required by this section may be obtained from a licensed psychologist, physician, physician assistant, clinical social worker or advanced practice registered nurse who is employed by the public or private mental health facility or hospital to which the application is made.

New Hampshire

N.H. REV. STAT. ANN. § 135-C:27. A person shall be eligible for involuntary emergency admission if he is in such mental condition as a result of mental illness to pose a likelihood of danger to himself or others.

N.H. REV. STAT. ANN. § 135-C:27(I). As used in this section "danger to himself" is established by demonstrating that:

(a) Within 40 days of the completion of the petition, the person has inflicted serious bodily injury on himself or has attempted suicide or serious self-injury and there is a likelihood the act or attempted act will recur if admission is not ordered;

(b) Within 40 days of the completion of the petition, the person has threatened to inflict serious bodily injury on himself and there is likelihood that an act or attempt of serious self-injury will occur if admission is not ordered; or

(c) The person's behavior demonstrates that he so lacks the capacity to care for his own welfare that there is a likelihood of death, serious bodily injury, or serious debilitation if admission is not ordered.

(d) The person meets all of the following criteria:

(1) The person has been determined to be severely mentally disabled ... for a period of at least one year;

(2) The person has had at least one involuntary admission, within the last 2 years[;]

(3) The person has no guardian of the person appointed[;]

(4) The person is not subject to a conditional discharge[;]

(5) The person has refused the treatment determined necessary by a mental health program approved by the department; and

(6) A psychiatrist at a mental health program approved by the department has determined, based upon the person's clinical history, that there is a substantial probability that the person's refusal to accept necessary treatment will lead to death, serious bodily injury, or serious debilitation if admission is not ordered.

II. As used in this section "danger to others" is established by demonstrating that within 40 days of the completion of the petition, the person has inflicted, attempted to inflict, or threatened to inflict serious bodily harm on another.

N.H. REV. STAT. ANN. § 135-C:28(III). When a peace officer observes a person engaging in behavior which gives the peace officer reasonable suspicion to believe that the person may be suffering from a mental illness and probable cause to believe that unless the person is placed in protective custody the person poses an immediate danger of bodily injury to himself or others, the police officer may place the person in protective custody[.]

New Jersey

N.J. STAT. ANN. § 30:4-27.6. 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 ... [o]n the basis of personal observation, the law enforcement officer has reasonable cause to believe that the person is in need of involuntary commitment to treatment[.]

New Mexico

N.M. STAT. ANN. § 43-1-10(A). A peace officer may detain and transport a person for emergency mental health evaluation and care in the absence of a legally valid order from the court only if:

(1) the person is otherwise subject to lawful arrest;

(2) the peace officer has reasonable grounds to believe the person has just attempted suicide;

(3) the peace officer, based upon his own observation and investigation, has reasonable grounds to believe that the person, as a result of a mental disorder, presents a likelihood of serious harm to himself or others and that immediate detention is necessary to prevent such harm; or

(4) a licensed physician or a certified psychologist has certified that the person, as a result of a mental disorder, presents a likelihood of serious harm to himself or others and that immediate detention is necessary to prevent such harm.

N.M. STAT. ANN. § 43-1-10(C). An evaluation facility may accept for an emergency based admission any person when a licensed physician or certified psychologist certifies that such person, as a result of a mental disorder, presents a likelihood of serious harm to himself or others and that immediate detention is necessary to prevent such harm.

New York

N.Y. MENTAL HYG. LAW § 9.41. [A peace officer or police officer] may take into custody any person who appears to be mentally ill and is conducting himself or herself in a manner which is likely to result in serious harm to the person or others.

N.Y. MENTAL HYG. LAW § 9.43(a). Whenever any court of inferior or general jurisdiction is informed by verified statement that a person is apparently mentally ill and is conducting himself or herself in a manner which in a person who is not mentally ill would be deemed disorderly conduct or which is likely to result in serious harm to himself or herself, such court shall issue a warrant directing that such person be brought 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 [appropriate hospital or program] 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.

N.Y. MENTAL HYG. LAW § 9.01. "likelihood to result in serious harm" or "likely to result in serious harm" means (a) a substantial risk of physical harm to the person as manifested by threats of or attempts at suicide or serious bodily harm or other conduct demonstrating that the person is dangerous to himself or herself, or (b) a substantial risk of physical harm to other persons as manifested by homicidal or other violent behavior by which others are placed in reasonable fear of serious physical harm.

North Carolina

N.C. GEN. STAT. § 122C-261(a) Anyone who has knowledge of an individual who has a mental illness and is 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 commitment examiner. The affidavit shall include the facts on which the affiant's opinion is based. (...)

GEN. STAT. § 122C-262(a) Anyone, including a law enforcement officer, who has knowledge of an individual who is subject to inpatient commitment according to the criteria (...) and who requires immediate hospitalization to prevent harm to self or others, may transport the individual directly to an area facility or other place, including a State facility for individuals with mental illnesses, for examination by a commitment examiner (...).

N.C.

North Dakota

N.D. CENT. CODE § 25-03.1-25(1). When a [designated professional] has reasonable cause to believe that an individual is a person requiring treatment and there exists a serious risk of harm to that individual, others, or property of an immediate nature that considerations of safety do not allow preliminary intervention by a magistrate, the [designated professional] may cause the individual to be taken into custody and detained at a treatment facility.

N.D. CENT. CODE § 25-03.1-25(2). If ... the magistrate, upon reviewing the petition and accompanying documentation, finds probable cause to believe that the respondent is a person requiring treatment and there exists a serious risk of harm to the respondent, others, or property if [the respondent is] allowed to remain at liberty, the magistrate may enter a written order directing that the respondent be taken into immediate custody[.]

Ohio

OHIO REV. CODE ANN. § 5122.10 Any [designated professional] who has reason to believe that the person is a mentally ill person subject to court order ... and represents a substantial risk of physical harm to self or others if allowed to remain at liberty pending examination may take the person into custody and may immediately transport the person to a hospital or (...) to a general hospital not licensed by the department of mental health and addiction services where the person may be held for the period prescribed in this section.

Oklahoma

43A OKL. ST. § 5-207(A). Any person who appears to be or states that such person is mentally ill, alcohol-dependent, or drug-dependent to a degree that immediate emergency action is necessary may be taken into protective custody and detained as provided pursuant to the provisions of this section.

43A OKL. ST. § 5-207(B). Any peace officer who reasonably believes that a person is a person requiring treatment ... shall take the person into protective custody.

Oregon

OR. REV. STAT. § 426.228(1). A peace officer may take into custody a person who the officer has probable cause to believe is dangerous to self or to any other person and is in need of immediate care, custody or treatment for mental illness.

OR. REV. STAT. § 426.233(1)(a). A community mental health program director ... or a designee of the director may [seek emergency evaluation] when the community mental health program director or designee has probable cause to believe a person:

(A) Is dangerous to self or to any other person and is in need of immediate care, custody or treatment for mental illness; or

(B) (i) Is a person with mental illness placed on conditional release ..., outpatient commitment ... or trial visit[;] and

(ii) Is dangerous to self or to any other person or is unable to provide for basic personal needs and is not receiving the care that is necessary for health and safety and is in need of immediate care, custody or treatment for mental illness.

Pennsylvania

50 P.S. § 7302(a). Whenever a person is severely mentally disabled and in need of immediate treatment, he may be made subject to involuntary emergency examination and treatment. A person is severely mentally disabled when, as a result of mental illness, his capacity to exercise self- control, judgment and discretion in the conduct of his affairs and social relations or to care for his own personal needs is so lessened that he poses a clear and present danger of harm to others or to himself.

Rhode Island

R.I. GEN. LAWS § 40.1-5-7(a)(1). Any physician, who after examining a person, has reason to believe that the person is in need of immediate care and treatment, and is one whose continued unsupervised presence in the community would create an imminent likelihood of serious harm by reason of mental disability, may apply at a facility for the emergency certification of the person thereto.

South Carolina

S.C. CODE ANN. § 44-17-410. 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:

(a) a belief that the person is mentally ill and because of this condition is likely to cause serious harm to himself or others if not immediately hospitalized;

(b) the specific type of serious harm thought probable if the person is not immediately hospitalized and the factual basis for this belief;

(2) a certification in triplicate by at least one licensed physician stating that the physician has examined the person and is of the opinion that the person is mentally ill and because of this condition is likely to cause harm to himself through neglect, inability to care for himself, or personal injury, or otherwise, or to others if not immediately hospitalized. The certification must contain the grounds for the opinion[.]

S.C. CODE ANN. § 44-17-430. If a person believed to be mentally ill and because of this condition likely to cause serious harm if not immediately hospitalized cannot be examined by at least one licensed physician ... because the person's whereabouts are unknown or for any other reason, the petitioner seeking commitment ... shall execute an affidavit stating a belief that the individual is mentally ill and because of this condition likely to cause serious harm if not hospitalized, the ground for this belief and that the usual procedure for examination cannot be followed and the reason why. Upon presentation of an affidavit, the judge of probate for the county in which the individual is present may issue an order requiring a state or local law enforcement officer to take the individual into custody for a period not exceeding twenty-four hours[.]

South Dakota

S.D. CODIFIED LAWS § 27A-10-1. If any person is alleged to be severely mentally ill and in such condition that immediate intervention is necessary for the protection from physical harm to self or others, 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.

Tennessee

TENN. CODE ANN. § 33-6-401. IF AND ONLY IF

- (1) a person has a mental illness or serious emotional disturbance, AND
- (2) the person poses an immediate substantial likelihood of serious harm under § 33-6-501 because of the mental illness or serious emotional disturbance, THEN
- (3) the person may be detained ... to obtain examination for certification of need for care and treatment.

TENN. CODE ANN. § 33-6-403. IF AND ONLY IF

- (1) a person has a mental illness or serious emotional disturbance, AND
- (2) the person poses an immediate substantial likelihood of serious harm, under § 33-6-501, because of the mental illness or serious emotional disturbance, AND
- (3) the person needs care, training, or treatment because of the mental illness or serious emotional disturbance, AND
- (4) all available less drastic alternatives to placement in a hospital or treatment resource are unsuitable to meet the needs of the person, THEN
- (5) the person may be admitted and detained by a hospital or treatment resource for emergency diagnosis, evaluation, and treatment under this part.

<h2>Texas</h2>

TEX. HEALTH & SAFETY CODE § 573.001(a). A peace officer, without a warrant, may take a person into custody, regardless of the age of the person, if the officer:

- (1) has reason to believe and does believe that
 - (A) the person is a person with mental illness; and
 - (B) because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and
- (2) believes that there is not sufficient time to obtain a warrant before taking the person into custody.

TEX. HEALTH & SAFETY CODE § 573.011. [A] written application for the emergency detention of another person ... must state:

- (1) that the applicant has reason to believe and does believe that the person evidences mental illness;
- (2) that the applicant has reason to believe and does believe that the person evidences a substantial risk of serious harm to himself or others;
- (3) a specific description of the risk of harm;
- (4) that the applicant has reason to believe and does believe that the risk of harm is imminent

unless the person is immediately restrained;

(5) that the applicant's beliefs are derived from specific recent behavior, overt acts, attempts, or threats;

(6) a detailed description of the specific behavior, acts, attempts, or threats; and

(7) a detailed description of the applicant's relationship to the person whose detention is sought.

Utah

UTAH CODE ANN. § 62A-15-629(1). An adult shall be temporarily, involuntarily committed to a local mental health authority upon:

(a) a written application that:

(i) is completed by a responsible individual who has reason to know, stating a belief that the adult, due to mental illness, is likely to pose substantial danger to self or others if not restrained and stating the personal knowledge of the adult's condition or circumstances that lead to the individual's belief; and

(ii) includes a certification by a licensed physician or designated examiner ... that the physician or designated examiner is of the opinion that, due to mental illness, the adult poses a substantial danger to self or others; or

(b) a peace officer or a mental health officer:

(i) observing an adult's conduct that gives the peace officer or mental health officer probable cause to believe that:

(A) the adult has a mental illness; and

(B) because of the adult's mental illness and conduct, the adult poses a substantial danger to self or others; and

(ii) completing a temporary commitment application

Vermont

VT. STAT. ANN. tit. 18, § 7504(a).

Upon written application by an interested party made under the pains and penalties of perjury and accompanied by a certificate by a licensed physician who is not the applicant, a person shall be held for admission to a hospital for an emergency examination to determine if he or she is a person in need of treatment. The application and certificate shall set forth the facts and circumstances that constitute the need for an emergency examination and that show that the person is a person in need of treatment.

VT. STAT. ANN. tit. 18, § 7505(a). In emergency circumstances where a certification by a physician is not available without serious and unreasonable delay, and when personal observation of the conduct of a person constitutes reasonable grounds to believe that the person is a person in need of treatment, and he or she presents an immediate risk of serious injury to himself or herself or others if not restrained, a law enforcement officer or mental health professional may make an application ... for an emergency

examination.

Virginia

Criteria for “emergency custody” (removal to hospital):

VA CODE ANN. § 37.2-808(A). [A] magistrate shall issue ... an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

Criteria for “temporary detention” (72-hour retention for evaluation):

VA CODE ANN. § 37.2-809(B). A magistrate shall issue ... a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

Washington

REV. CODE WASH. § 71.05.153(1) When a designated crisis responder receives information alleging that a person, as the result of a behavioral health disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, 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 crisis responder 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, secure withdrawal management and stabilization facility (...) for not more than one hundred twenty hours (...) (a) [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, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or the emergency department of a local hospital under the following circumstances: (i) Pursuant to subsection (1) of this section; or (ii) When he or she has reasonable cause to believe that such person is suffering from a behavioral health disorder and presents an imminent likelihood of serious harm or is in imminent danger because of being gravely disabled.

REV. CODE WASH. § 71.05.150(2)(a) A written order of apprehension to detain a person with a behavioral health disorder to a designated evaluation and treatment facility, a secure withdrawal management and stabilization facility, or an approved substance use disorder treatment program, for a period of not more than one hundred twenty hours for evaluation and treatment, may be issued by a judge of the superior court upon request of a designated crisis responder (...) whenever it appears to the satisfaction of a judge of the superior court: (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.

West Virginia

W. VA. CODE §27-5-2(a).

Any adult person may make an application for involuntary hospitalization for examination of an individual when the person making the application has reason to believe that the individual to be examined (...) is mentally ill and, because of his or her (...) mental illness, the individual is likely to cause serious harm to himself, herself, or to others if allowed to remain at liberty while awaiting an examination and certification (...): Provided, That a diagnosis of dementia alone may not serve as a basis for involuntary commitment.

Wisconsin

WIS. STAT. ANN. § 51.15(1)(ar). A law enforcement officer ... may take an individual into custody if the officer ... has cause to believe that the individual is mentally ill, is drug dependent, or is developmentally disabled, that taking the person into custody is the least restrictive alternative appropriate to the persons needs, and that the individual evidences any of the following:

1. A substantial probability of physical harm to himself or herself as manifested by evidence of recent threats of or attempts at suicide or serious bodily harm.
2. A substantial probability of physical harm to other persons as manifested by evidence of recent homicidal or other violent behavior on his or her part, or by evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them, as evidenced by a recent overt act, attempt or threat to do serious physical harm on his or her part.
3. A substantial probability of physical impairment or injury to himself or herself or other individuals due to impaired judgment, as manifested by evidence of a recent act or omission. The probability of physical impairment or injury is not substantial under this subdivision if reasonable provision for the individual's protection is available in the community and there is a reasonable probability that the individual will avail himself or herself of these services[.] Food, shelter or other care provided to an individual who is substantially incapable of obtaining the care for himself or herself, by any person other than a treatment facility, does not constitute reasonable provision for the individuals protection available in the community under this subdivision.
4. Behavior manifested by a recent act or omission that, due to mental illness, he or she is unable to satisfy basic needs for nourishment, medical care, shelter, or safety without prompt and adequate treatment so that a substantial probability exists that death, serious physical injury, serious physical debilitation, or serious physical disease will imminently ensue unless the individual receives prompt and adequate treatment for this mental illness. No substantial probability of harm under this subdivision exists if reasonable provision for the individual's treatment and protection is available in the community and there is a reasonable probability that the individual will avail himself or herself of these services[.] ... Food, shelter or other care provided to an individual who is substantially incapable of providing the care for himself or herself, by any person other than a treatment facility, does not constitute reasonable provision for the individual's treatment or protection available in the community under this subdivision.

Wyoming

WYO. STAT. ANN. § 25-10-109(a). A person may be detained when:

- (i) A law enforcement officer or examiner has reasonable cause to believe a person is mentally ill [as defined in statute].

WYO. STAT. ANN. § 25-10-101(a)(ix). "[M]entally ill" mean a physical, emotional, mental or behavioral disorder which causes a person to be dangerous to himself or others and which requires treatment, but do not include addiction to drugs or alcohol, drug or alcohol intoxication or developmental disabilities, except when one (1) or more of those conditions co-occurs as a secondary diagnosis with a mental illness.