

1. What is a “commitment?”

People who are mentally ill or addicted to drugs or alcohol may not believe that they need help. When those people are a danger to themselves or to others because of mental illness, or because of drug or alcohol abuse, they can be “committed.” This means that a judge issues an order that this person will get evaluation and/or treatment whether they want to or not. The local Community Mental Health Center usually provides or supervises the treatment. It can be inpatient (in a hospital) or outpatient (at a clinic).

2. Who needs to be committed?

Arkansas laws about commitment are set very specifically in Act 861 of 1989 (also known as ACA 20-47-201 thru 228). A person can only be committed if he or she presents **a clear and present danger to self or others** as a result of mental illness. Threats or dangerous behavior must be **serious** and also **recent or immediate**. For example, the person may have just harmed himself, just threatened suicide, injured someone, or threatened to harm someone.

Sometimes a person is not threatening harm, but is so disturbed that he cannot look after his own welfare. If this has gotten so bad that **there is a reasonable probability of death or serious injury**, he may be eligible for commitment. This must be clearly dangerous, such as refusing to eat anything because he thinks his food is poisoned, or walking in traffic because he believes the cars are not real. A person who refuses to eat certain “poisoned” foods (but is still eating something) or who believes cars are creatures from outer space (but does not do anything dangerous around cars) is probably **not** in immediate danger.

Finally, a person who has failed to cooperate with treatment **and in the last 48 months** has done or threatened serious violence, or who has been in prison, jail, or a psychiatric hospital at least twice, may also be covered by the law.

3. Who can start the process?

Any interested person (such as a friend, a relative, a co-worker, a neighbor, a clergy person) **who has actually witnessed the dangerous behavior** can start the commitment process. You do this by filing a petition with the clerk of the Circuit court. This usually happens in the county where the mentally ill person lives.

4. What is a “Petition?”

A petition is your formal request asking a judge to hear your description of the dangerous behaviors or threats. You must have personally seen the behaviors that prove a clear and immediate danger. The court clerk will help you fill out the forms that make up the petition.

5. How does a petition work?

Go to the appropriate office in your county and tell the Circuit clerk what you need. There is a fee for filing but the court **may** waive the fee if you do not have the money. Ask about that. **If drug or alcohol use is part of the problem, be sure to tell the clerk about that!**

In Pulaski County, call the clerk at 686-9191. The office is staffed from 8:30 to 5:00 Monday through Friday. Leave your number and the clerk will call back to schedule an appointment for you to come to the office. **In Lonoke or Prairie County**, go to the prosecuting attorney.

The mentally ill person will be given a summons to appear in court at a time in the next few days. At that hearing the prosecutor will present the petition and a defense attorney will represent the person. The court clerk will explain this process to you and tell you when and where the hearing will be. **In Pulaski County**, the courtroom is in the same building as the clerk’s office. **In Lonoke or Prairie County**, the hearing usually takes place at the courthouse. As the petitioner (the one who filed the petition) you will have to testify at the hearing.

It’s important to understand that unless there is an unusual emergency this process takes at least a day, even in small counties. It often takes several days, especially if the person fails to appear for the first hearing.

6. What happens in Court?

Plan to be at court at least 15 minutes early. Sit outside the courtroom and wait to be called. When your case is called, you will be “sworn in” (that is, you will swear to tell the truth). You will be asked to explain why you filed the petition. If other people have seen the person do dangerous things or heard the person make threats, it is a good idea to ask them to be in court to testify also.

The judge will decide whether or not there is enough reason to order an evaluation. If there is, the judge will give very clear instructions as to what to do next and court will be dismissed.

7. What happens next?

The first order is for 7 days of evaluation. After the hearing, someone from the local Community Mental Health Center will meet with the person briefly and work with the judge to determine the best place for the evaluation to take place. The person may then be sent to the State Hospital, to another hospital, to an overnight crisis center, or to get an evaluation at an outpatient clinic.

After seven days, there is a second hearing where the professional team testifies. If the judge believes the person still needs involuntary treatment, a new order is issued that is good for 45 more days. Later hearings can provide for involuntary treatment periods of 180 days each. There is no limit to the number of 180-day orders, but there must be a hearing before each order. After the first hearing, the petitions and testimony come from the treatment team, not from the original petitioner.

8. What if it's an EMERGENCY?

If the court is open (during business hours on weekdays) ***ask to file a "petition for immediate detention."*** If you're not sure what to do, call the local police or Community Mental Health Center. Do not take risks with your safety or with the safety of the mentally ill person by trying to force them to go somewhere they do not want to go. If you are in a dangerous situation, call the local police agency to protect yourself and/or others.

If there is an ***immediate*** risk of suicide, homicide or serious injury to someone, you can take the disturbed person directly to a hospital. This is called an "emergency without petition admission," and it is often done on evenings and weekends when the court is closed. Obviously, you should only try this if you think it is safe to transport the person to the hospital. (For example, you might feel safe driving someone who is sad and confused, but driving could be dangerous with an angry or agitated person.)

A hospital Emergency Department is usually the best place to take someone, especially if the hospital has a psychiatric unit and if the person has insurance or other coverage that the hospital accepts. At the Emergency Department, the person can be evaluated and admitted to that hospital or to another one. Medical tests and drug screens can also be done if needed. ***If a person may have taken a drug overdose or otherwise harmed themselves***, you should definitely get them to an Emergency Department first thing! If the person is losing consciousness or you do not feel safe driving, consider calling an ambulance or the police.

If you are not sure where to take the person, call your local Community Mental Health Center and ask. They may direct you to come to a clinic, or to go to a particular hospital. ***Never take a person directly to the State Hospital***, unless a professional tells you that they will meet you

there. Very few patients are admitted to the State Hospital, and taking a person there can cause more delay.

After a person is admitted to a hospital as an "emergency without petition," ***you must contact the Circuit clerk's office immediately to request an appointment to file a petition.***

9. What if there's a problem?

Many people who need help do ***not*** qualify for a commitment. Sometimes people are very disturbed, but at the present time they are not dangerous to themselves or to another person. In that case, the law will not force treatment against their will. Sometimes family or friends are so worried that they are tempted to lie to the disturbed person about where they are taking them. This is usually not a good idea. If you are worried about someone and are not sure what can be done, ***call one of these numbers to ask for advice about the options you have at this time.*** Every situation is different!

IN PULASKI COUNTY:

Circuit Court Clerk (Mental Health)
501-686-9191

Little Rock Community Mental Health Center
501-686-9300

Professional Counseling Associates
501-221-1843

IN LONOKE COUNTY:

Prosecutor's Office
501-676-2807

Professional Counseling Associates
501-676-3151 501-843-3503

IN PRAIRIE COUNTY:

Prosecutor's Office
870-256-3171

Professional Counseling Associates
870-255-3527

IN ALL OTHER COUNTIES:

Call your Community Mental Health Center

Questions & Answers about "Commitment" for Mental Health Evaluation & Treatment

This information is provided as a public service by Professional Counseling Associates

Procedures and phone numbers are accurate to the best of our knowledge
as of June, 2009.

Please remember that phone numbers, procedures, and the law itself are subject to change.

If in doubt, call your Community Mental Health Center to make sure your information is up to date.