



# OLR RESEARCH REPORT

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## **CIVIL COMMITMENT OF CHILDREN**

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You asked for a concise summary of the law governing the civil commitment of mentally ill children.

Connecticut law establishes procedures for the involuntary commitment of children (defined as those under age 16) with psychiatric disabilities who are dangerous to themselves or others, either by a court or health professionals on an emergency basis. Table 1 briefly outlines the procedures for both. A concise summary of the civil commitment law for adults is available in OLR Report [2013-R-0087](#).

**Table 1: Connecticut Law on Involuntary Commitment of Children under Age 16 with Mental Illness**

<i>Issue</i>	<i>Law</i>
Grounds for involuntary commitment	Mental or emotional condition, other than intellectual disability, that substantially and adversely affects a child's health, safety, or welfare or that of others (CGS § <a href="#">17a-75</a> )
Commitment Process (requires probate or superior court order)	<p>Who may initiate: Anyone may file an application with probate court. The application must include certain things, including the name of the hospital to which the child would be committed. Any legal party, except the petitioner, can move to transfer the case to superior court (CGS § <a href="#">17a-76(a)</a>)</p> <ul style="list-style-type: none"> <li>• Hearing: Required within 10 business days of the court's receipt of application. Child and his or her parents or guardian have the right to (1) notice; (2) be present, however the court may exclude the child if testimony would be detrimental to his or her health; (3) present evidence; (4) cross-examine witnesses; and (5) counsel.</li> <li>• Hospital for mental illness named in the application must also be notified and notice must include hearing time and place</li> </ul> <ol style="list-style-type: none"> <li>1. Court appoints attorney from a panel on the next business day after receiving the application. The attorney may serve as the child's guardian ad litem.</li> <li>2. Parents or guardians have a right to counsel, which will be court-appointed if they are indigent.</li> <li>3. Counsel have access to all records, including hospital records if a child is hospitalized.</li> <li>4. The probate court administrator must appoint a three-judge court to conduct the hearing (CGS §§ <a href="#">17a-76</a> and <a href="#">-77</a>).</li> </ol> <ul style="list-style-type: none"> <li>• If child is hospitalized, the hearing must be held there if travel would present a danger to the child or others or would be detrimental to child's health and welfare (CGS § <a href="#">17a-77</a>)</li> </ul> <p>Examination: At least two court-appointed physicians (including one psychiatrist) must examine the child "within 10 days of the hearing" (which, in practice, according to the probate court, means no more than 10 days before the hearing). If child refuses to be examined, the court can issue a warrant to have the police deliver him or her to the nearest hospital for examination (CGS § <a href="#">17a-77(b)</a> and <a href="#">(c)</a>)</p> <p>Standard of proof to commit: The court must find clear and convincing evidence that the child suffers from a mental disorder, is in need of hospitalization to treat the disorder, treatment is available, and hospitalization is the least restrictive available alternative (CGS § <a href="#">17a-77(e)</a>)</p> <p>Commitment period: Up to six months unless extended by the court for an additional six months based upon a petition for recommitment received no later than 10 days before initial commitment expires. The hospital must release the child when it concludes he or she is no longer in need of hospitalization (CGS § <a href="#">17a-77(e)</a>).</p>

**Table 1 (continued)**

<b>Issue</b>	<b>Law</b>
<p>Emergency Hold (without prior court order except as noted)</p>	<p>Who may initiate:</p> <ul style="list-style-type: none"> <li>• Physicians issue “emergency or diagnostic certificate”</li> <li>• Licensed clinical social workers, advanced practice registered nurses, or professional counselors who have received at least eight hours of specialized training as a member of a Department of Children and Families-contracted Emergency Mobile Psychiatric Services (EMPS) team issue “emergency certificate” (CGS §§ <a href="#">17a-78(a)</a> and <a href="#">-78(f)</a>)</li> </ul> <p>Grounds for Hold: (1) For physician, when he or she determines that a child is in need of immediate hospitalization for evaluation or treatment of a mental disorder (2) For other clinicians, when they have reasonable cause to believe, based upon their evaluation, that the child (A) has psychiatric disabilities, (B) is dangerous to himself or others or gravely disabled, and (C) is in need of immediate care and treatment (CGS §§ <a href="#">17a-78(a)</a> and <a href="#">(f)</a>).</p> <p>Examination: By psychiatrist. Required within 24 hours of admission; within 24 hours of other clinicians issuing emergency certificate (CGS §§ <a href="#">17a-78 (b) and (f)</a>)</p> <p>Probable cause hearing: Within 72 hours of receipt of written request (CGS § <a href="#">17a-78(d)</a>)</p> <p>Duration of emergency hold:</p> <ul style="list-style-type: none"> <li>• Immediate discharge if, after examination, psychiatrist does not believe hospitalization necessary</li> <li>• Up to 15 days if physician has ordered hold; up to 72 hours if EMPS clinicians have issued emergency certificate</li> <li>• If commitment petition has been filed, hospitalization continues until earlier of an additional 15 days or 25 days (if transferred to superior court) or completion of commitment proceedings</li> <li>• If court finds probable cause, confinement continues for the remainder of emergency certificate or completion of commitment proceedings (CGS §§ <a href="#">17a-78(b), (d), (e), (f)</a>)</li> </ul>
<p>Procedures following commitment</p>	<p>None</p>
<p>Penalties for conspiring to commit a child</p>	<p>Anyone who (1) willfully files or attempts to file or conspires with anyone else to file a fraudulent or malicious application, order, or request for commitment, hospitalization, or treatment (2) certifies falsely to the mental disorder of a child, or (3) willfully reports falsely to any court or judge that a child is mentally disordered is subject to a fine of up to \$1,000, five years in prison, or both (CGS § <a href="#">17a-83</a>).</p>

Source: CGS §§ [17a-75](#), et. seq.

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