

Kentucky and Connecticut Laws on Involuntary Treatment for Substance Abuse

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Issue

Compare Kentucky's law on involuntary treatment for alcohol or drug abuse ("Casey's Law") to Connecticut law on this issue.

Summary

In Kentucky, the Matthew Casey Wethington Act for Substance Abuse Intervention ("Casey's Law") allows the family or friends of someone in danger, or presenting a danger to others, from alcohol or drug abuse to petition the court to order the person's involuntary treatment (Ky. Rev. Stat. § 222.430 et seq.). Connecticut has a generally similar law ([CGS § 17a-685](#)).

The basic process under Kentucky law is as follows:

- **Petition.** A person's spouse, relative, friend, or guardian files a [petition](#) in state district court, alleging that the person (the respondent) is suffering from alcohol or other drug abuse and presents a danger to himself or herself or others if not treated. The petition must include a guarantee, signed by the petitioner or other authorized person (e.g., the respondent's spouse), obligating that person to pay all costs of the court-ordered treatment.
- **Court Review; Scheduling of Hearing and Attorney Appointment.** The court reviews the petition and questions the petitioner under oath (the respondent need not be present). If it appears there is probable cause to order treatment, the court (1) schedules a hearing to be held within 14 days, with notice given to the respondent

- and certain other individuals; (2) appoints an attorney to represent the respondent; and (3) orders the respondent to be medically evaluated. (If the court finds no probable cause, it dismisses the petition.)
- **Medical Evaluation.** The respondent is evaluated by two qualified health professionals, including at least one physician, who certify their findings to the court.
- **Hearing and Order.** The court holds a hearing on the petition. If the court determines after the hearing that the respondent should be ordered into treatment, it orders treatment (not necessarily inpatient) for a period of up to 360 days.

Among other differences from Kentucky law, Connecticut law (1) requires only one court proceeding, rather than first questioning the petitioner under oath before deciding whether to hold a hearing; (2) requires only one individual (a physician) to conduct the medical evaluation; and (3) does not require the applicant to guarantee payment for the treatment (although the applicant, if able, must pay the expenses connected to the application). The basic process under Connecticut law is as follows:

- **Medical Evaluation.** In Connecticut, the required medical examination of the respondent must have occurred within two days before the involuntary treatment application is filed. A physician must conduct the examination, and the physician's certification must be filed with the court before the hearing on the application.
- **Application.** Any person, including someone's spouse or other relative, conservator, certifying physician, or treatment facility administrator, files an [application](#) in probate court, alleging that the respondent is an alcohol- or drug-dependent person who is (1) dangerous to himself, herself, or others when an intoxicated person or (2) gravely disabled.
- **Scheduling of Hearing and Attorney Appointment.** Upon receiving such an application, the court (1) schedules a hearing to be held within seven days, with notice given to the respondent and certain other individuals and (2) if the court finds that the respondent is unable to afford counsel, appoints an attorney to represent him or her.
- **Hearing and Order.** The court holds a hearing on the petition. If the court determines, by clear and convincing evidence, that the standard for commitment is met, it orders the respondent to inpatient treatment for a period of 30 to 180 days, possibly followed by outpatient treatment. (The inpatient or outpatient program facility administrator can later apply to recommit the respondent beyond the initial period.)

In addition to the involuntary commitment process described above, Casey's law in Kentucky allows a court, under certain conditions, to order a person suffering from alcohol or drug abuse to be hospitalized for up to 72 hours. Under certain conditions, Connecticut law allows for the involuntary commitment of a person in need of emergency treatment for

alcohol or drug abuse, without a court order, for up to five days (or up to an additional seven business days if a court application for involuntary commitment has been filed but not yet heard).

Comparison of Kentucky and Connecticut Laws on Involuntary Treatment for Substance Abuse

Table 1 provides a side-by-side comparison of key aspects of Kentucky and Connecticut law on involuntary treatment and short-term emergency treatment for alcohol or drug abuse.

For more detailed information on Connecticut’s law, see [OLR Report 2012-R-0217](#).

Table 1: Comparison of Connecticut and Kentucky Law, Involuntary Treatment for Substance Abuse

<i>Provision</i>	<i>Connecticut</i>	<i>Kentucky</i>
Standard for court to order involuntary treatment	<p>Alcohol- or drug-dependent person who is (1) dangerous to himself, herself, or others when he or she is an intoxicated person (i.e., there is a substantial risk that the person will inflict physical harm) or (2) gravely disabled.</p> <p>“Gravely disabled” means the person, as a result of the periodic or continuous use of alcohol or drugs, is in danger of serious physical harm because the person:</p> <ul style="list-style-type: none"> • is not providing for his or her essential needs such as food, clothing, shelter, vital medical care, or safety; • needs, but is not receiving, inpatient treatment for alcohol or drug dependency; and • is incapable of determining whether to accept such treatment because of impaired judgment (CGS §§ 17a-680 and 17a-685(d)). 	<p>Person suffering from alcohol or other drug abuse who (1) presents an imminent threat of danger to self, family, or others as a result of alcohol or drug abuse, or there is a substantial likelihood of such a threat in the near future, and (2) can reasonably benefit from treatment (Ky. Rev. Stat. § 222.431).</p>
Who can apply for someone’s involuntary treatment	<p>Any person, including a person’s spouse or other relative, conservator, certifying physician, or treatment facility administrator</p> <p>The application must be filed in probate court (CGS § 17a-685(a)).</p>	<p>A person’s spouse, relative, friend, or guardian</p> <p>The petition must be filed in District Court (Ky. Rev. Stat. § 222.432).</p>

Table 1 (continued)

Provision	Connecticut	Kentucky
Payment guarantee	Not required, but the applicant must pay the expenses in connection with the application, except the state pays if the applicant is indigent. In addition, the application must include a statement that the applicant has arranged for the respondent's treatment in a treatment facility, and a statement to that effect from the facility (CGS § 17a-685(b)).	Petition must include a guarantee, signed by the petitioner or other authorized person (e.g., the respondent's spouse or other relative), obligating that person to pay all costs of the respondent's court-ordered treatment (Ky. Rev. Stat. § 222.432).
Medical examination/certification	<p>The applicant must file with the court a certificate from a licensed physician who has examined the respondent within two days before the application was submitted.</p> <p>The physician's certificate must include (1) findings supporting the application, (2) a finding of whether the person needs and is likely to benefit from treatment; and (3) a recommendation about the type and length of treatment and inpatient facilities available.</p> <p>If the respondent is to be committed to a private facility, a physician employed by that facility cannot be the certifying physician (CGS § 17a-685(b)).</p>	<p>After reviewing the petition and questioning the petitioner under oath, if it appears to the court that there is probable cause to order the respondent into treatment, the respondent must be examined by two qualified health professionals, no later than 24 hours before the hearing (see below). The professionals must certify their findings to the court.</p> <p>One such professional must be a physician. The other must be a qualified health professional as set forth in the law (e.g., physician, psychologist, nurse with certain experience, alcohol and drug counselor) (Ky. Rev. Stat. §§ 222.433 and 222.436).</p>
Hearing requirement	<p>The court must hold a hearing within seven business days after it receives the application.</p> <p>Notice of the hearing must be provided to the respondent, his or her next of kin, a parent or legal guardian if the respondent is a minor, and the treatment facility administrator (or administrator of the facility at which the person is already receiving emergency treatment if applicable) (CGS § 17a-685(c)).</p>	<p>After the court reviews the petition and questions the petitioner under oath, if it appears there is probable cause to order treatment, the court schedules a hearing to be held within 14 days.</p> <p>Notice of the hearing must be provided to the respondent; his or her legal guardian, if any and if known; and the respondent's spouse, parents, or nearest relative or friend (Ky. Rev. Stat. §§ 222.433).</p>
Length of commitment, if ordered	30 to 180 days. The law includes a procedure for a facility administrator to apply for a recommitment order (CGS § 17a-685(d) to (k)).	Must not exceed 60 days or 360 days, depending on the period requested in the petition or as otherwise agreed to at the hearing (Ky. Rev. Stat. §§ 222.433).

Table 1 (continued)

<i>Provision</i>	<i>Connecticut</i>	<i>Kentucky</i>
Short-term emergency treatment	<p>A physician, spouse, guardian, relative of the person to be committed, or any other responsible person, can apply directly to an approved treatment facility for the emergency commitment of a person who (1) is dangerous to himself or herself or others unless committed, (2) needs medical treatment for detoxification for potentially life-threatening symptoms of alcohol or drug withdrawal, or (3) is incapacitated by alcohol. The person generally must be intoxicated at time of application, but this can be waived if a physician determines there is immediate need of treatment for detoxification for potentially life-threatening withdrawal symptoms.</p> <p>Emergency admission can be for up to five days, except if an application for involuntary commitment is filed within the five-day period and the facility administrator finds that grounds for commitment exist, he or she may detain the person until the commitment application has been heard, but no longer than seven business days after the application is filed (CGS § 17a-684).</p>	<p>Court can order up to 72-hour emergency hospitalization if (1) a qualified medical professional, following an examination, certifies that the respondent meets the standard for involuntary treatment (see above) and (2) the court finds, by clear and convincing evidence, that the respondent presents an imminent threat of danger to himself or herself, family, or others as a result of alcohol or drug use (Ky. Rev. Stat. § 222.434).</p>

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