



# OLR RESEARCH REPORT

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## CONCISE SUMMARY OF CIVIL COMMITMENT LAWS

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You asked for a concise summary of the civil commitment law.

Connecticut law establishes procedures for the involuntary commitment of people with psychiatric disabilities who are dangerous or gravely disabled, either following a court hearing or on an emergency basis without a prior hearing.

Below in Table 1, we briefly outline the procedure for involuntary civil commitment of adults (age 16 and over) for mental illness ([CGS § 17a-495 et seq.](#)). Not all provisions of the law are included; for a more detailed summary, see [OLR Report 2013-R-0041](#). A concise summary of the civil commitment law for children will soon be available in another report.

**Table 1: Connecticut Law on Involuntary Commitment of Adults with Mental Illness**

<b>Issue</b>	<b>Law</b>
Standard for Involuntary Civil Commitment	Person must have psychiatric disabilities and be (1) dangerous to self or others or (2) gravely disabled (i.e., person may suffer serious harm because he or she fails to provide for basic human needs and refuses to accept necessary hospitalization)
Commitment Process (Requires Court Order)	<ul style="list-style-type: none"> <li>• <u>Who may initiate</u>: Anyone, by filing application with probate court</li> <li>• <u>Examination</u>: Two court-appointed doctors (including one psychiatrist) must examine the person within 10 days of hearing</li> <li>• <u>Hearing</u>: Required within 10 business days of application. Person has right to be present, have counsel (court-appointed if indigent), present evidence, and cross-examine witnesses</li> <li>• <u>Standard of proof to support commitment</u>: Clear and convincing evidence</li> <li>• <u>Conversion</u>: Person can choose to convert to voluntary status before court rules on application</li> <li>• <u>Commitment period</u>: Duration of psychiatric disabilities or until discharged or converted to voluntary status</li> </ul>
Emergency Commitment (Without Prior Court Order Except as Noted)	<ul style="list-style-type: none"> <li>• <u>Who may initiate</u>: <ul style="list-style-type: none"> <li>○ Physicians, psychologists, and certain clinical social workers or advanced practice registered nurses can issue certificate to confine someone on emergency basis (certificate must state that person meets commitment standard and needs immediate care and treatment)</li> <li>○ Police can take a person into custody and deliver him or her to hospital (1) following court warrant in response to application that person meets emergency commitment standard or (2) upon officer's reasonable belief that the person meets that standard</li> </ul> </li> <li>• <u>Examination</u>: Required within 48 hours (or 36 hours at chronic disease hospital) if confined under physician's certificate; otherwise within 24 hours</li> <li>• <u>Probable cause hearing</u>: Anyone detained on emergency basis has right to probable cause hearing within 72 hours of written request</li> <li>• <u>Duration of emergency commitment</u>: <ul style="list-style-type: none"> <li>○ Person can be held up to 72 hours, or 15 days upon a physician's emergency certificate; must then be released unless detained and committed after hearing</li> <li>○ If court finds probable cause, detention continues until completion of commitment proceedings (see above; clear and convincing evidence required to continue commitment) or 30 days from beginning of detention, whichever occurs first</li> </ul> </li> </ul>
Procedures Following Commitment	<ul style="list-style-type: none"> <li>• <u>Examination</u>: Annual review and psychiatric examinations required</li> <li>• <u>Hearing</u>: Full hearing required every two years</li> <li>• <u>Release</u>: Patients can apply for release and receive hearing at any time</li> <li>• <u>Appeal</u>: Patients can appeal or petition for writ of habeas corpus to challenge confinement in Superior Court</li> </ul>
Penalty for Wrongfully Causing Commitment	Anyone who (1) willfully and maliciously causes, attempts to cause, or conspires with someone else to cause any person who does not have psychiatric disabilities to be committed to a psychiatric hospital; (2) willfully certifies falsely to someone's psychiatric disabilities in a certificate; or (3) willfully reports falsely to any court or judge that a person has psychiatric disabilities, is subject to up to a \$1,000 fine, five years in prison, or both

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