



MISSISSIPPI UNIFORM CIVIL COMMITMENT GUIDE

Mississippi Department of Mental Health Behavioral Health Program Admission Process

STEPS FOR CIVIL COMMITMENT

- 1** Before filing an affidavit for commitment, a pre-affidavit screening must be conducted by the Community Mental Health Center (CMHC).
- The pre-affidavit screening must be completed **within 24 hours of the CMHC being notified.**
- The pre-affidavit screening investigation includes an interview and investigation for the need for civil commitment.

To connect with your local CMHC for a screening, call their offices or their Mobile Crisis Response Team. Find that information at www.dmh.ms.gov, www.mentalhealthms.com, or by calling the DMH Helpline at 1-877-210-8513.

- 2** If commitment is recommended, the pre-affidavit screener submits a report to the chancery clerk certifying that a less restrictive alternative treatment was considered and why it is not appropriate. **The pre-affidavit screener shall refuse to support the filing of an affidavit if evidence does not support commitment.**

If a commitment is not recommended, the pre-affidavit screener shall provide the prospective petitioner with connection to other alternative services and resources. If the interested person wishes to proceed with commitment contrary to the pre-affidavit screener's recommendation, application may be made to the chancellor.

- 3** After the CMHC has attempted to complete an in-person screening, **if the person is actively violent¹ or refuses to participate**, an affidavit may be filed and a writ will be issued for the sheriff to intervene. The CMHC will be required to document why the pre-affidavit screening could not be done.

- 4** File an affidavit for civil commitment in the chancery clerk's office where the person resides or is currently located. Pay a filing fee up to \$150, including all fees and assessments, to commence the proceeding.²

Under Mississippi State law, no attorney is required for this process.

The affidavit must state specifically that a less restrictive alternative treatment was considered and specify why it is not appropriate.

- 5** After pre-affidavit screening is completed and received, and upon filing of an affidavit of commitment, a writ is issued for Sheriff to take the person for examination and treatment by a local CMHC.

However, if the pre-affidavit screening recommends against commitment, the chancellor may refuse to appoint 2 physicians to conduct the examinations.

- 6** Healthcare professionals are immediately appointed for physical and mental examinations **within 48 hours from order of examinations** with a possible 8-hour extension, and an attorney is appointed for person. Evaluations are done by two doctors, or one doctor and professional designated by law. Each appointed examiner must make a full inquiry into the physical and mental health.

7 If the respondent is in need of treatment, a hearing shall be set within **3 days** of the filing of the certificates unless an extension is requested by the respondent's attorney. The hearing shall not occur more than 5 days after the filing of the certificates, unless the court orders to extend the hearing date, which shall not exceed 5 additional days. **The person may be released or confined pending the commitment hearing.**

The judge will decide based on the examiners' certificates and other evidence presented whether treatment in a state behavioral health program or outpatient program is necessary.

8 The person may be held in a licensed medical facility, Crisis Stabilization Unit, or any other available suitable location pending transfer to a state facility. The chancellor may order a peace officer or other person to transport person to facility or suitable location.

The respondent may be transferred by law enforcement inside or outside of the county to any suitable location.

9 Transportation to the DMH Behavioral Health Program or Crisis Stabilization Unit will be provided by local law enforcement. Admission involves medical record review, general information questions, and an inventory of the person's possessions.

10 When the person is admitted, he or she will be oriented to the environment by staff who review program schedules, activities, rights, and responsibilities.

11 A plan for discharge is created upon admission to help the person return to his or her community, and the facilitation to services in his or her community is started.

12 A treatment plan is developed that includes goals, activities, and other prescribed treatments.

The person will be discharged when he or she no longer meets commitment criteria and can return to live in the community with adequate support services.

Upon discharge, most people continue treatment at a local Community Mental Health Center or local programs with the goal of living independently in their communities.

13 The court will maintain jurisdiction over persons committed to both inpatient and outpatient programs for one year after their completion of the treatment program.

A person with a serious mental health condition, through an outpatient commitment order, can be court-mandated to follow a specific treatment plan, usually requiring medication and sometimes directing where the person can live and what his or her daily activities must include.

¹ "Actively violent" is defined in 41-21-67 (5) as behavior that presents an immediate and serious danger to the safety of the individual or another, the individual has inflicted or attempted to inflict serious bodily harm on another, or has acted in such a way as to create a substantial risk of serious bodily harm to another, or has engaged in extreme destruction of property; and that there is a reasonable probability that this conduct will be repeated.

² The chancery clerk may charge a total filing fee for all services equal to the amount set out in Section 25-7-9(o), and the appropriate state and county assessments as required by law which include, but are not limited to, assessments for the Judicial Operation Fund (Section 25-7-9 (3)(b)); the Electronic Court System Fund (Section 25-7-9 (3)(a)); the Civil Legal Assistance Fund (Section 25-7-9 (1)(k)); the Court Education and Training Fund (Section 37-26-3); State Court Constituent's Fund (Section 37-26-9 (4)); and a reasonable court reporter's fee. Costs incidental to court proceedings as set forth in Section 41-21-79 may not be included as assessments. The chancery clerk's office can provide specific eligibility requirements and instructions to file a Pauper's Oath if you are unable to pay the filing fee.

HOW TO GET HELP

Call the DMH Helpline, visit www.dmh.ms.gov, or visit www.mentalhealthms.com for information about mental health services and supports near you. Local CMHCs provide a range of community services that can divert someone from inpatient services, such as Mobile Crisis Response Teams, Crisis Stabilization Beds, and more.

FOR MORE INFORMATION OR TO LOCATE YOUR LOCAL COMMUNITY MENTAL HEALTH CENTER:

Mississippi Department of Mental Health

mentalhealthms.com | dmh.ms.gov | 24-Hour Helpline 1-877-210-8513

