

# Montana State Report Card

***Last Updated:*** January 2025

**Method and scoring:** State involuntary civil commitment laws are evaluated using a 100-point grading scale. The scoring criteria are in accordance with the Treatment Advocacy Center’s values and policy preferences. Up to 50 points are awarded to a state based on the quality of its inpatient commitment law, and up to 50 points are awarded based on the state’s assisted outpatient treatment (AOT) law. Final letter grades are computed using the following scale:

97 or above	A+	87–89	B+	77–79	C+	67–69	D+	59 or below	F
93–96	A	83–86	B	73–76	C	63–66	D		
90–92	A-	80–82	B-	70–72	C-	60–62	D-		

## PART ONE: Inpatient Commitment Statute (up to 50 points)

Criterion	Citation	Specifications	Points
1. Citizen access to court, emergency evaluation (5 pts)	Mont. Code Ann. § 53-21-129(1)	<input type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input type="checkbox"/> Authorizes any responsible adult (2 pts) <b>County attorney files petition on probable cause</b>	0
2. Quality of emergency petition process (5 pts)	Mont. Code Ann. § 53-21-129(1)	<input checked="" type="checkbox"/> Process specified and reasonable (2 pts) <input checked="" type="checkbox"/> Timelines specified and reasonable (2 pts) <input checked="" type="checkbox"/> Responsible entities identified (1 pt) <input type="checkbox"/> Requires certification by more than one professional (-2 pts) <input type="checkbox"/> Emergency evaluation criteria inconsistent with inpatient commitment criteria (-5 pts)	5
3. Emergency hold duration (5 pts)	Mont. Code Ann. § 53-21-129(2)	<input type="checkbox"/> At least 48-hour hold allowed (3 pts) <input type="checkbox"/> At least 72-hour hold allowed (2 pts) <b>Next business day</b>	0
4. Citizen access to court, inpatient petition (5 pts)	Mont. Code Ann. § 53-21-121(1)	<input type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input type="checkbox"/> Authorizes any responsible adult (2 pts) <b>County attorney may file a petition on written request of any person</b>	0
5. Quality of criteria for harm or violence to self or others (up to 10 pts)	Mont. Code Ann. § 53-21-126(1)(b)-(c)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <input checked="" type="checkbox"/> Harm must be imminent (-3 pts)	7
6. Quality of criteria for grave disability/basic needs (up to 10 pts)	Mont. Code Ann. § 53-21-126(1)(a)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <input type="checkbox"/> Endangerment must be imminent (-3 pts) <input type="checkbox"/> Criteria require family to turn person out of home to receive treatment (-3 pts) <input type="checkbox"/> Unreasonably high risk of harm (-3 pts)	10
7. Quality of criteria for psychiatric deterioration (up to 10 pts)	Mont. Code Ann. §§ 53-21-126(1)(d), 53-21-127(7)	<input type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <b>(See comment below)</b>	0
<b>SUBTOTAL</b>			<b>22</b>
<b>PART ONE: Extra Credit</b>			
1. Specifies in which court a petition for inpatient commitment shall be filed (1 pt)	Mont. Code Ann. § 53-21-102(5)	<b>District court</b>	1
Extra Credit			1
<b>PART ONE TOTAL</b>			<b>23</b>

## PART TWO: Outpatient Commitment Statute (up to 50 points)

Criterion	Citation	Specifications	Points
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1. AOT explicitly authorized (5 pts)	Mont. Code Ann. § 53-21-127(7)	<input type="checkbox"/> Requires local government to adopt (-3 pts)	5
2. Citizen access to court for AOT (5 pts)	Mont. Code Ann. § 53-21-121(1)	<input type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input type="checkbox"/> Authorizes any responsible adult (2 pts) <input type="checkbox"/> Authorizes citizen petition to mental health system only (-2 pts) <b>County attorney may file a petition on written request of any person</b>	0
3. Criteria sufficiently broad to provide actual access (up to 10 pts)	Mont. Code Ann. §§ 53-21-126(1)(d), 53-21-127(3)(b), 53-21-127(7)	<b>Evaluate applicable provision only:</b> <input type="checkbox"/> If inpatient/outpatient criteria are the same: <input type="checkbox"/> Inpatient criteria include psychiatric deterioration standard (10 pts) <u>or</u> <input type="checkbox"/> No psychiatric deterioration standard, adequate grave disability standard (5 pts) <b>or</b> <input checked="" type="checkbox"/> If outpatient criteria are distinct from inpatient criteria: <input checked="" type="checkbox"/> Allows consideration of length of treatment history ≥ 36 months (2 pts) <input type="checkbox"/> Does not exclude periods of incarceration or hospitalization (-1 pt) <input checked="" type="checkbox"/> Does not limit application to those currently dangerous or unstable (4 pts) <input checked="" type="checkbox"/> Does not limit application to those refusing service or lacking insight (4 pts) <b>Shared definition but if court relies exclusively on criteria in § 53-21-126(1)(d), only AOT may be ordered.</b>	10
4. Authorizes AOT directly from community (5 pts)	Mont. Code Ann. § 53-21-127(3)(b)		5
5. Procedures sufficiently detailed to guide practitioners (up to 5 pts)	Mont. Code Ann. §§ 53-21-127(8), 53-21-128(2), 53-21-149	<input type="checkbox"/> Process specified and reasonable (1 pt) <input type="checkbox"/> Timelines specified and reasonable (1 pt) <input checked="" type="checkbox"/> Responsible entities identified (1 pt) <input type="checkbox"/> Periodic reporting to court required (1 pt) <input checked="" type="checkbox"/> Renewal process expressly specified (1 pt)	2
6. Procedures require the treatment plan to be shared with the court (5 pts)	Mont. Code Ann. § 53-21-150	<b>Only if the court orders a treatment plan as a condition of commitment.</b>	0
7. Specifies procedures for nonadherence (5 pts)	Mont. Code Ann. § 53-21-151		5
8. Duration of initial order	Mont. Code Ann. § 53-21-127(3)(b)(ii)	<input type="checkbox"/> = 90 days (2 pts) <u>or</u> <input checked="" type="checkbox"/> > 90 days (5 pts) <b>Allows up to six months in the community under certain circumstances</b>	5
9. Duration of continued order	Mont. Code Ann. § 53-21-128(1)(d)	<input checked="" type="checkbox"/> = 180 days (2 pts) <u>or</u> <input type="checkbox"/> > 180 days (5 pts)	2
<b>SUBTOTAL</b>			34
<b>PART TWO: Extra Credit</b>			
1. Specifies court for AOT (1 pt)	Mont. Code Ann. § 53-21-102(5)	<b>District court</b>	1
2. Court monitoring of voluntary settlement agreements (5 pts)			
Extra Credit			1
<b>PART TWO TOTAL</b>			35

<b>FINAL SCORE</b>	
PART ONE TOTAL	23
PART TWO TOTAL	35
<b>TOTAL</b>	<b>58</b>
<b>GRADE</b>	<b>F</b>

- If the court relies exclusively on the psychiatric deterioration standard under Mont. Code Ann. §§ 53-21-126(1)(d), only outpatient commitment may be ordered.