

Kansas State Guidance

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Statutory basis and key terms

Kansas Statutes Chapter 59, Article 29

Follow this link to read the Statutes in full here:

https://www.kslegislature.gov/li/b2025_26/statute/059_000_0000_chapter/059_029_0000_article/059_029_0046_section/059_029_0046_k/

Key definitions

“Crisis intervention center” means any licensed entity that is open 24 hours a day, 365 days a year, equipped to serve individuals in crisis due to mental illness, substance use disorder, or co-occurring condition, and that uses certified peer specialists.

“Ex parte” refers to a situation where a judge decides or acts after hearing from only one party, usually because something is urgent and can’t wait for a full hearing.

“Head of crisis intervention center” means the administrative director of a crisis intervention center or a behavioral health professional designated by such person.

“Head of a treatment facility” means the administrative director of a treatment facility or their designee.

“Mentally ill person” means a person with a mental disorder shown by a clinically significant behavioral or psychological syndrome or pattern and associated with painful symptoms or impairment in important areas of functioning, and involving substantial behavioral, psychological, or biological dysfunction, such that the person needs treatment.

“Mentally ill person subject to involuntary commitment for care and treatment” means a mentally ill person who lacks capacity to make an informed decision concerning treatment, is likely to cause harm to self or others, and whose diagnosis is not solely one of the following: alcohol or chemical substance abuse; antisocial personality disorder; intellectual disability; organic personality syndrome; or organic mental disorder.

“Lacks capacity to make an informed decision concerning treatment” means the person, due to a mental disorder, is unable, despite conscientious explanation, to understand the nature and effects of hospitalization or treatment, or is unable to engage in rational decision-making, as shown by an inability to weigh possible risks and benefits.

“Likely to cause harm to self or others” means, because of a mental disorder, a person:

- Is likely, in the reasonably foreseeable future, to cause substantial physical harm to self

or others, or substantial damage to another's property. This can be shown by threats, attempts, or causing such harm. If the only risk is damage to property, the damage must be serious enough that the state's interest in protecting property outweighs the person's right to personal freedom; *or*

- Is substantially unable, other than because of poverty, to meet basic needs, such as food, clothing, shelter, health, or safety, and this is causing their ability to live independently to substantially deteriorate.

Note: A person who relies solely on spiritual or prayer-based healing because of their religious beliefs is **not** considered mentally ill for the purposes of involuntary commitment *unless* there is substantial evidence the person is likely to physically harm themselves or others as described above.

“Participating mental health center” means a mental health center in contract with the [Secretary for Aging and Disability Services](#).

“Treatment facility” means any mental health center or clinic, psychiatric unit of a medical care facility, state psychiatric hospital, psychologist, physician or other institution or person authorized or licensed to provide treatment.

“Qualified mental health professional” means a professional who is licensed and trained to provide mental health care and works for, or is contracted by, a participating mental health center. This can include:

- Doctors and psychologists.
- Licensed master's level psychologists and clinical psychotherapists.
- Licensed marriage and family therapists.
- Licensed professional counselors.
- Licensed clinical social workers and master social workers.
- Registered nurses with a specialty in psychiatric nursing who work at a participating mental health center and are supervised by a doctor or psychologist.

Key abbreviations

- Crisis intervention center (CIC)
- Law enforcement officer (LEO)

Emergency evaluation

Criteria for emergency evaluation

Is a “mentally ill person subject to involuntary commitment” and likely to cause harm to self or others if not immediately detained.

Who can initiate an emergency evaluation?

Law enforcement officers and any other person can initiate emergency evaluation, and the process differs based on who initiates and, in the case of any other person, how emergency evaluation is initiated.

Law enforcement officer (LEO)

How? Have reasonable belief upon investigation that the person meets criteria.

What do they initiate? LEO may take the person into civil custody and transport for examination.

Where does the proposed patient go? Treatment facility or crisis intervention center (CIC) (see CIC section). The person may be transported to a state psychiatric hospital only upon written authorization from a qualified mental health professional).

What’s the time limit for the response? There is no time limit specified for LEO, treatment facility, or the court’s response.

What happens? Preliminary examination by a physician or psychologist on duty to occur within 17 hours of admission.

What’s next? If the examiner determines that the person meets the criteria, and the facility is willing to admit the person, the officer must complete a written application for emergency detention and treatment. If the examiner determines that the person does not meet the criteria, the officer must return the person to the place where they were taken into custody and release them.

If the examiner determines that the person meets the criteria, and the facility is unwilling to admit the person, the facility must arrange a suitable location for the person to be safely detained. The officer must then file a formal petition for involuntary commitment by the end of the next business day or release the person.

Time duration of the hold? Not later than the close of the district court’s next business day after the person’s admission, unless the court issues an ex parte emergency custody order or temporary custody order.

Who decides whether to continue to a hearing? The court will schedule a hearing. If the

head of the treatment facility determines the person no longer meets criteria, the facility must release the person and notify the court. The court will subsequently cancel the proceedings and the scheduled hearing.

Is there a form? Unclear.

Any person: two paths

Path one

How? Submit a written application and present the person to a treatment facility. The application must be accompanied by a written statement from a physician, psychologist, or qualified mental health professional that the person likely meets criteria.

What do they initiate? The treatment facility will review the application and may admit and hold the person for emergency observation and treatment.

Where does the proposed patient go? Remains at the treatment facility to which they are presented.

What's the time limit for the response? There is no time limit specified for LEO, treatment facility, or the court's response.

What happens? If the treatment facility determines the person meets criteria, it may admit and hold the person for emergency observation and treatment.

What's next? If admitted for emergency observation and treatment, the facility may petition the district court for an ex parte emergency order authorizing the continued hold of the person.

Time duration of the hold? Not later than the close of the district court's next business day after the person's admission, unless the court issues an ex parte emergency custody order or temporary custody order.

Who decides whether to continue to a hearing? The court will schedule a hearing. If the head of the treatment facility determines the person no longer meets criteria, the facility must release the person and notify the court. The court will subsequently cancel the proceedings and the scheduled hearing.

Is there a form? Unclear.

Path two

How? File a verified (under oath) petition with a request for an ex parte emergency custody order in the [district court](#) of the county where the person who may need treatment, resides or may be found, accompanied by a signed certificate from a physician, psychologist, or qualified mental health professional, unless the court allows the petition to be accompanied by the petitioner's verified statement of attempt to obtain examination.

What do they initiate? The court will review the application and may issue an ex parte emergency custody order.

Where does the proposed patient go? Nowhere prior to court review.

What's the time limit for the response? There is no time limit specified for LEO, treatment facility, or the court's response.

What happens? If the court determines criteria are met, it may issue an ex parte order directing LEO to take the person into civil custody and transport them to a treatment facility or allow the person to remain at liberty with conditions.

What's next? If the court issues the ex parte order, the person will be taken to a treatment facility for emergency observation and treatment.

Time duration of the hold? Five p.m. on the third business day after the order is issued.

Who decides whether to continue to a hearing? The court will schedule a hearing. If the head of the treatment facility determines the person no longer meets criteria, the facility must release the person and notify the court. The court will subsequently cancel the proceedings and the scheduled hearing.

Is there a form? Unclear.

Crisis intervention center (CIC)

Criteria for CIC:

Is a "mentally ill person subject to involuntary commitment" and likely to cause harm to self or others if not immediately held.

Who can initiate CIC?

Any person can initiate crisis intervention center, but the process differs if the person who initiates is a law enforcement officer (LEO) versus any other person.

Law enforcement officer (LEO)

How? Have reasonable belief formed upon investigation that the person meets criteria and submit a written application to a CIC.

What do they initiate? The CIC will review the application and evaluate the individual to determine whether to admit the person for emergency observation and treatment.

Where does the proposed patient go? Crisis intervention center (CIC).

What's the time limit for the response? Not specified.

What happens? The head of the CIC must evaluate the person within four hours of admission to determine whether they are likely to meet the criteria.

What's next? A different behavioral health professional will evaluate the person no later than 23 hours after admission and again by 48 hours to determine whether the person continues to meet the criteria. If the person still meets the criteria, the head of the CIC must, by 48 hours after admission, file an affidavit and written application for emergency observation and treatment with the district court in the county where the CIC is located. After reviewing the affidavit, the court will either order the person's release or authorize continued admission and treatment.

What's the duration of the hold? Not later than 72 hours after admission, unless the head of the CIC determines that the person continues to meet the criteria, and files a petition for involuntary commitment (see "Inpatient and Outpatient Treatment" below). The head of the CIC must discharge a person if at any time they no longer meet criteria.

Who decides whether to continue to a hearing? To proceed to a hearing, the head of the CIC must file a petition for commitment.

Is there a form? Unclear.

Any person

How? Submit a written application and present the person to a CIC.

What do they initiate? The CIC will review the application and evaluate the individual to determine whether to admit the person for emergency observation and treatment.

Where does the proposed patient go? Crisis intervention center (CIC).

What's the time limit for the response? Not specified.

What happens? The head of the CIC must evaluate the person within four hours of admission to determine whether they are likely to meet the criteria.

What's next? A different behavioral health professional will evaluate the person no later than 23 hours after admission and again by 48 hours to determine whether the person continues to meet the criteria. If the person still meets the criteria, the head of the CIC must, by 48 hours after admission, file an affidavit and written application for emergency observation and treatment with the district court in the county where the CIC is located. After reviewing the affidavit, the court will either order the person's release or authorize continued admission and treatment.

What's the duration of the hold? Not later than 72 hours after admission, unless the head of the CIC determines that the person continues to meet the criteria, and files a petition for involuntary commitment (see "Inpatient and Outpatient Treatment" below). The head of the CIC must discharge a person if at any time they no longer meet criteria.

Who decides whether to continue to a hearing? To proceed to a hearing, the head of the CIC must file a petition for commitment.

Is there a form? Unclear.

Inpatient and outpatient treatment

Criteria for inpatient treatment:

Mentally ill person subject to involuntary commitment.

Criteria for outpatient treatment:

- Mentally ill person subject to involuntary commitment.
- Will meet the required inpatient care and treatment in the proximate future without outpatient treatment and is only likely to attend treatment with a court order; or
- If left untreated is reasonably expected to experience an increase in the symptoms caused by the illness that would result in the need for inpatient care and treatment in the proximate future and whose mental illness has previously caused the patient to refuse needed and appropriate mental health services in the community.

Who can initiate inpatient or outpatient treatment?

Any person can initiate inpatient or outpatient treatment, and the process does not differ

based on who initiates.

How? File a verified petition (under oath) in the district court of the county where the person who may need treatment resides or may be found.

Required documentation? A signed certificate from a physician, psychologist, or qualified mental health professional stating that they have personally examined the person and believe the person likely meets the criteria, unless the court allows a verified statement from the petitioner explaining that an examination was attempted but could not be completed due to the person's lack of cooperation.

If admission to a treatment facility other than a state psychiatric hospital is sought, if it is available, a statement of consent to the admission by the head of that treatment facility.

When can outpatient be ordered? Upon discharge from the hospital or from a community setting. The court has the authority to enter an order for outpatient treatment at any time as an alternative to any inpatient treatment order.

What's the time limit for the response? Not specified.

What's next? A hearing will be scheduled within seven to 14 days after the petition is filed. The petitioner may submit a written request to the court for a temporary custody order authorizing custody and transport of the person to a designated treatment facility, where the person may be held and treated until the trial.

The court will order the person to submit to a mental evaluation ahead of the hearing. If the person is not under a temporary custody order, they may request a hearing to determine probable cause before submitting to the evaluations. The court must hold the hearing within a reasonable time. If the court finds probable cause, it will issue an order for evaluation; otherwise, the court will cancel the proceedings.

The evaluating professional must submit to the court an evaluation report with the opinion of whether the person meets the criteria and the least restrictive alternative which will protect the person and others and allow for the improvement of the person if treatment is ordered.

If, upon completion of the hearing, the court or jury finds, by clear and convincing evidence, that the person meets the criteria, the court will order treatment. The court will determine whether to order treatment on an inpatient or outpatient basis.

If the court finds that the proposed patient does not meet the criteria, the court will end the case.

Who issues the treatment order? The district court upon its own or the jury's findings.

Who makes discharge decisions? The treatment facility.

Who supervises the outpatient treatment plan? Head of treatment facility or their designee supervises the treatment plan. A copy of the plan must be provided to the court in writing within ten business days after the court order.

How long can the first treatment order last? Not to exceed three months.

What's the renewal process? At least 14 days before the end of the treatment period, the head of the treatment facility must file a written report summarizing the treatment provided and the facility's findings and recommendations regarding the need for further treatment. If after a hearing, the court finds by clear and convincing evidence that the patient continues to be a mentally ill person subject to involuntary commitment, it may order continued treatment for an initial period not to exceed three months, and for subsequent periods not to exceed six months.

What's the discharge process? The head of the treatment facility must discharge and release the patient when the patient is no longer in need of treatment.

The court may, on its own motion or upon written request of any interested party, hold a hearing to review the person's status. If the court finds that it has not been shown by clear and convincing evidence that the patient continues to meet criteria, it will order the person's release.

Is there a form? Unclear.