




<b>CRITERIA</b>	<ul style="list-style-type: none"> <li>• Is gravely disabled; or</li> <li>• Their continued liberty poses an imminent danger to self or others, as evidenced by a threat of substantial physical harm.</li> </ul>	
<b>Who can initiate?</b>	 Peace officer	 Hospital staff
<b>How?</b>	Have reason to believe the person meets criteria.	
<b>What do they initiate?</b>	May take the person into civil custody and transport them.	May hold the person.
<b>Where does the proposed patient go?</b>	A designated facility.	Remains at the hospital.
<b>What's the time limit for the response?</b>	Not specified, but presumed peace officers and hospital staff act immediately upon having reason to believe the person meets criteria.	
<b>What happens?</b>	The person is temporarily held for observation, diagnosis, evaluation, and care. Evidence that the individual meets criteria must be presented to a duly authorized court within 24 hours.	
<b>What's next?</b>	If the court finds that the individual meets the criteria, the court will issue a temporary custody order requiring the person to be held at the facility for examination by a designated examiner within 24 hours of the order.	
<b>What's the duration of the hold?</b>	24 hours without a court order, an additional 24 for examination following court order.	
<b>Who decides whether to continue to a hearing?</b>	If the designated examiner finds that the individual meets the criteria, the prosecuting attorney must file a petition for detention pending commitment proceedings within 24 hours of the examination.	
<b>Is there a form?</b>	Unclear.	

## KEY DEFINITIONS

- **“Department director”** means the director of the state department of health and welfare.
- **“Designated examiner”** means a licensed medical professional appointed by the department of health and welfare as a professional qualified to conduct commitment examinations. The licensed medical professional may be one of the following:
  - Physician;
  - Psychologist;
  - Advanced practice registered nurse;
  - Clinical professional counselor;
  - Professional counselor;
  - Social worker with a master’s degree in social work;
  - Marriage and family therapist;
  - Psychiatrist; or
  - Psychiatric nurse.
- **“Designated facility”** means any public or private hospital, state hospital, institution, mental health center, or other organization designated by the board of health and welfare to initially hold, evaluate, rehabilitate, or provide care or treatment, or both, for the mentally ill.
- **“Mentally ill”** means a condition resulting in a substantial disorder of thought, mood, perception, or orientation that grossly impairs judgment, behavior, or capacity to recognize and adapt to reality and requires care and treatment at a facility or through outpatient treatment.
- **“Likely to injure self or others”** means:
  - A substantial risk of physical harm to the proposed patient, as evidenced by threats or attempts to commit suicide or self-harm; or
  - A substantial risk of physical harm to others, as evidenced by behavior that has caused harm or puts others in reasonable fear of being harmed;
  - or
  - The proposed patient lacks insight into their need for treatment and is unable or unwilling to comply with treatment and, based on their psychiatric history, clinical observation or other clinical evidence, if they do not receive and comply with treatment, there is a substantial risk they will continue to physically, emotionally or mentally deteriorate to the point that they will, in the reasonably near future, inflict physical harm on themselves or others.
- **“Proposed patient”** means a person who may need emergency evaluation or involuntary treatment.
- **“Gravely disabled”** means the condition of a person who, as a result of mental illness, has demonstrated an inability to:
  - Attend to basic physical needs, such as medical care, food, clothing, shelter, or safety;
  - Protect themselves from harm or victimization by others;
  - Exercise sufficient behavioral control to avoid serious criminal justice involvement; or
  - Recognize that they are experiencing symptoms of a serious mental illness and lack the insight into their need for treatment, without which their condition may deteriorate to the point that criteria for intervention are met in the near future.
- **These laws do not authorize the detention or involuntary admission to a hospital or other facility of an individual who:**
  - Has a neurological disorder, a neurocognitive disorder, a developmental disability, a physical disability, or any medical disorder that includes psychiatric symptomology or is primarily impaired by substance use, unless it co-occurs with mental illness;
  - Is a patient under treatment by spiritual means alone, through prayer, by a duly accredited practitioner of a recognized church or religious denomination; or
  - Can be cared for privately with the help of willing and able family or friends in such a way that he no longer presents a substantial risk to himself or others, provided that he may be detained or involuntarily admitted if he meets the criteria.
- **“Dispositioner”** is a trained professional designated by the department director to decide where a person should be placed for care when they are being held involuntarily for mental health reasons. They review the situation and determine the least restrictive facility for treatment.

<p><b>CRITERIA</b></p>	<p>Is mentally ill <i>and</i> due to this condition, is likely to injure self or others, or is gravely disabled.</p>		
<p><b>Who can initiate?</b></p>	 <ul style="list-style-type: none"> <li>▪ Friend</li> <li>▪ Relative</li> <li>▪ Spouse</li> <li>▪ Guardian</li> </ul>	 <ul style="list-style-type: none"> <li>▪ Licensed physician</li> <li>▪ Physician assistant practicing in a hospital</li> <li>▪ Advanced practice registered nurse practicing in a hospital</li> <li>▪ Director of any facility in which such patient may be</li> </ul>	 <ul style="list-style-type: none"> <li>▪ Prosecuting attorney</li> <li>▪ Public official of a municipality, county or of the state of Idaho</li> </ul>
<p><b>How?</b></p>	<p>File a written application in the <u>district court</u> where the proposed patient resides or is located.</p>		
<p><b>Required documentation?</b></p>	<ul style="list-style-type: none"> <li>• A simple and precise statement of the facts showing the proposed patient meets the criteria; <i>and</i></li> <li>• A certificate from a designated examiner stating that they personally examined the proposed patient within the past 14 days and believe the proposed patient meets the criteria and lacks the capacity to make informed treatment decisions; <i>or</i></li> <li>• A written statement from the applicant that the proposed patient refused to be examined by a designated examiner.</li> </ul>		
<p><b>When can outpatient be court-ordered?</b></p>	<p>Upon discharge from hospital or from a community setting.</p>		
<p><b>What's next?</b></p>	<p>The court will, within 48 hours, appoint another designated examiner or examiners to examine the proposed patient. If a certificate is included with the application, the court will appoint one designated examiner. If the application does not include a certificate, the court will appoint two designated examiners. The examiners will file certificates with the court reporting their findings within 72 hours.</p> <p>If the examiners determine that the person does not meet the criteria, the court may terminate the proceedings. If the court does so, the person must be discharged immediately.</p> <p>If the examiners determine the person meets criteria, the court will issue an order allowing a health officer, peace officer, or facility director to take the person to a treatment facility while they wait for the hearing, which must be held within seven days after the court receives the examiners' report.</p> <p>If, upon completion of the hearing and consideration of the evidence, the court finds, by clear and convincing evidence, that the proposed patient meets the criteria the court will order them to the custody of the department director for observation, care, and treatment. The department director, through their dispositioner, must determine the least restrictive available facility or outpatient treatment within 24 hours of the order.</p>		
<p><b>Who issues the treatment order?</b></p>	<p>The district court orders treatment and the dispositioner determines treatment placement.</p>		
<p><b>Who makes discharge decisions?</b></p>	<p>Department director or their designated staff member upon examination, or the court upon application.</p>		

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<p><b>Who supervises the treatment plan?</b></p>	<p>The director of the outpatient facility, the treating physician, or the department director through their dispositioner.</p>
<p><b>How long can the first treatment order last?</b></p>	<p>Not to exceed one year.</p>
<p><b>What's the renewal process?</b></p>	<p>No renewal process specified.</p>
<p><b>What's the discharge process?</b></p>	<p>The department director or their designated staff member must examine the patient at least once at the end of the first 90 days and every 120 days thereafter to determine whether to conditionally release, discharge or terminate their commitment. A report of each review and determination must be sent to the committing court.</p> <p>If the patient no longer meets the criteria for commitment, the treatment order will end.</p>
<p><b>Is there a form?</b></p>	<p>Unclear.</p>