



CRITERIA	Subject to involuntary admission on an inpatient basis (<i>see definition</i>) and in need of immediate hospitalization to protect such person or others from physical harm.			
Who can initiate?	 Peace officer	 Any adult (three pathways)		
How?	Have reasonable grounds to believe that the person meets criteria.	Present petition to the director of a mental health facility in the county where the person who may need care resides or is present.	Contact the State’s Attorney’s office where the person who may need care resides or is located.	Petition the <u>circuit court</u> for an Order of Detention and Examination (or “Writ”). The petition is filed in the county where the person who may need care resides or is located.
What do they initiate?	May initiate custody and transport by law enforcement.	Mental health facility review for possible admission.	State Attorney review for possible assistance preparing a petition.	Court review for a potential order of temporary detention and examination.
Where does the proposed patient go?	Mental health facility.		Nowhere before review of petition.	
What’s the time limit for the response?	Not specified.			
What happens?	The peace officer completes a petition or is included as a potential witness in the petition. The person is involuntarily admitted for examination.	The mental health facility may involuntarily admit the person for examination.	If the petition is approved, the State’s Attorney will help finish it, and in some counties they may go with the petitioner to court to speak to the judge. This initiates the court review in the next column. It’s good to call ahead to find out how the process works in that county and how long the process usually takes in order to plan accordingly.	If the court decides there is reasonable grounds to believe the person meets the criteria, it can order a peace officer to take the person into custody and bring them to a mental health facility for an examination.

(continued on next page)

<p>What's next? <i>(all pathways)</i></p>	<p>A trained mental health professional will examine the person to see if they meet the criteria. If they do, the person may be admitted to a facility until the court hearing, and the professional will complete a certificate; if they don't meet the criteria, they must be released. If the person meets criteria, but does not need to be hospitalized right away, they can stay at home while waiting for the hearing.</p> <p>If the person is admitted, the facility can begin treatment, but the person must be told they have the right to refuse medication unless it's needed to prevent serious harm.</p> <p>A second qualified professional must also examine the person. If the second examiner agrees they meet the criteria, another certificate is completed; if not, the person must be released. At least one of the examiners must be a psychiatrist.</p> <p>The facility must send the petition, the first certificate, and proof that the person received their rights information to the court within 24 hours (excluding weekends or holidays). The second certificate must be filed as soon as it's completed.</p> <p>Once the petition is filed, the court will schedule a hearing within five business days and notify the person, their lawyer, their guardian (if they have one), and up to two people the person chooses.</p>
<p>What's the duration of the hold? <i>(all pathways)</i></p>	<p>Up to 24 hours pending first certification; if issued, up to five business days.</p>
<p>Who decides whether to continue to a hearing? <i>(all pathways)</i></p>	<p>Certifying examiners.</p>
<p>Is there a form? <i>(all pathways)</i></p>	<p><u>Petition for Involuntary Admission.</u></p>

KEY DEFINITIONS

- **“Mental illness”** means a mental or emotional disorder that substantially impairs a person’s thought, perception of reality, emotional process, judgment, behavior, or ability to cope with the ordinary demands of life, but does not include a developmental disability, dementia or Alzheimer’s disease absent psychosis, a substance use disorder, or other behaviors which only present through repeated criminal or otherwise antisocial conduct.
- **“Person subject to involuntary admission on an inpatient basis”** means a person with mental illness who, because of that illness, without inpatient treatment:
 - is likely to place self or others in, or threat of, physical harm;
 - is unable to provide for their basic needs to prevent serious harm without assistance; or
 - is refusing or not adequately following treatment, is unable to understand their need for treatment, and based on their behavioral history, is likely to suffer mental or emotional deterioration resulting in the first or second situation.
- **“Person subject to involuntary admission on an outpatient basis”** means a person with mental illness who would meet the criteria for inpatient treatment without community-based treatment and is unlikely to follow treatment without a court order. It also means a person with mental illness whose symptoms are likely to increase without treatment, resulting in meeting criteria for inpatient treatment *and* who, due to their mental illness, has repeatedly refused necessary and appropriate community mental health services in the past.

CRITERIA	Person subject to involuntary admission on an inpatient basis (<i>see definition</i>).	
Who can initiate?	 Any adult (two pathways)	
How?	Petition the <u>circuit court</u> in the county where the person who may need care resides or is located.	Contact the State’s Attorney’s office where the person who may need care resides or is located. If the State’s Attorney determines the petition is appropriate, they will assist with the petition and filing.
Required documentation?	The petition may be accompanied by a certificate of a physician or qualified examiner which certifies that the proposed patient is subject to involuntary admission on an inpatient basis, as long as the examination occurred within the past 72 hours.	
What’s next?	<p>If the petition doesn’t include two certificates, one of them from a psychiatrist, the court can order the person to be examined by a mental health professional and a psychiatrist. If that examination leads to a certificate, it must be filed with the court right away.</p> <p>The court will then set a hearing within five business days after receiving the second certificate or after the person has been admitted for an examination. The person may request a jury.</p> <p>If, after reviewing all the evidence, the judge or jury decides the person meets the legal criteria by clear and convincing evidence, the court can order them to be admitted for up to 90 days.</p>	
Who issues the treatment order?	The court, based on its own or the jury’s findings.	
Who makes discharge decisions?	<p>Court upon request by the committed person or any person on their behalf via petition.</p> <p>The facility director must discharge the person if determined to no longer meet criteria. The director must notify the person, their lawyer, and their guardian (if they have one) of the planned discharge. Whenever possible, this notice must be given at least seven days before the discharge. The person, their lawyer, or their guardian can object, and if they do, the facility must hold a hearing before a utilization review committee within seven days. The committee will determine if the person should be discharged or remain under care.</p> <p>If the facility director believes the person no longer needs inpatient commitment but still meets the requirements for outpatient commitment, they must ask the court to issue an outpatient treatment order.</p>	
Is there a form?	<u>Petition for Involuntary Admission.</u>	

ILLINOIS: OUTPATIENT TREATMENT

(referred to as “involuntary admission on an outpatient basis”)

CRITERIA	Person subject to involuntary admission on an outpatient basis (<i>see definition</i>).	
When can outpatient treatment be court-ordered?	Upon discharge from the hospital or from a community setting.	
Who can initiate?	 Any adult (two pathways)	
How?	Petition the <u>circuit court</u> in the county where the person who may be in need of care resides or is present.	Contact the State’s Attorney’s office where the person who may need care resides or is located. If the State’s Attorney determines the petition is appropriate, they will assist with the petition and filing.
Required documentation?	The petition may be accompanied by a certificate of a physician or qualified examiner which certifies that the proposed patient is subject to involuntary admission on an outpatient basis, if the examination occurred within the past 72 hours.	
What’s next?	<p>If the petition doesn’t include two certificates, one of them from a psychiatrist, the court can order the person to be examined by a mental health professional and a psychiatrist. If that examination results in a certificate, it must be filed with the court right away.</p> <p>The court will then set a hearing within 15 business days after receiving the second certificate. The person may request a jury.</p> <p>If, after reviewing all the evidence, the judge or jury decides the person meets the legal criteria by clear and convincing evidence, the court may place them in the care and custody of a responsible relative or another person who can safely support them, or can order them to receive treatment from a community mental health provider.</p>	
Who issues the treatment order?	The court, based on its own or the jury’s findings.	
Who supervises the treatment plan?	Custodian or community mental health provider.	

(continued on next page)

<p>Who makes discharge decisions?</p>	<p>Court upon request by the committed person or any person on their behalf via petition.</p> <p>The facility director can decide to discharge the person if determined to no longer meet criteria. They must notify the person, their lawyer, and their guardian (if they have one), ideally at least seven days before the planned discharge. The person, their lawyer, or their guardian can object, and if they do, the facility must hold a hearing within seven days.</p> <p>If the facility director believes the person no longer needs inpatient commitment but still meets the requirements for outpatient commitment, they must ask the court to issue an outpatient treatment order.</p>
<p>How long can the first treatment order last?</p>	<p>A period not to exceed 180 days.</p>
<p>What is the renewal process?</p>	<p>Before the first court order expires, the facility director or caregiver can ask the court to continue the commitment if they believe the person still meets the requirements. They must submit a new petition, two new certificates, and an updated treatment plan that explains how the person is doing and whether the treatment is helping.</p> <p>After a hearing, if the judge decides the person still meets the criteria, the court can order another period of outpatient treatment for up to 180 days.</p>
<p>What's the discharge process?</p>	<p>Court upon request by the committed person or any person on their behalf via petition.</p> <p>The facility director can decide to discharge the person. They must notify the person, their lawyer, and their guardian (if they have one), ideally at least seven days before the planned discharge. The person, their lawyer, or their guardian can object. If someone objects, the facility must hold a hearing within seven days.</p>
<p>Is there a form?</p>	<p><u>Petition for Involuntary Outpatient Admission.</u></p>