



North Dakota Treatment Law Report Card

Last Updated: January 2026

Method and scoring: State involuntary civil commitment laws are evaluated using a 100-point grading scale. The scoring criteria are in accordance with TAC's values and policy recommendations. 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 quality of its outpatient commitment law. *Grades reflect solely what is written in law and not how those laws are implemented or applied.* 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)	N.D. Cent. Code § 25-03.1-25	☐ Authorizes family/enumerated adults (3 pts) ☐ Authorizes any responsible adult (2 pts) (See comment 1)	0
2. Quality of emergency petition process (5 pts)	N.D. Cent. Code §§ 25-03.1-25, 25-03.1-26	☐ Process specified and reasonable (2 pts) ☒ Timelines specified and reasonable (2 pts) ☒ Responsible entities identified (1 pt) ☐ Requires certification by more than one professional (-2 pts) ☐ Emergency evaluation criteria inconsistent with inpatient commitment criteria (-5 pts) Unreasonably permits civil custody in carceral settings in cases of "actual emergency"	3
3. Emergency hold duration (5 pts)	N.D. Cent. Code § 25-03.1-26(2)	☒ At least 48-hour hold allowed (3 pts) ☒ At least 72-hour hold allowed (2 pts) 72 hours maximum unless petition filed, then 5 business days	5
4. Citizen access to court, inpatient petition (5 pts)	N.D. Cent. Code § 25-03.1-08	☒ Authorizes family/enumerated adults (3 pts) ☒ Authorizes any responsible adult (2 pts) (See comment 2 below)	5
5. Quality of criteria for harm or violence to self or others (up to 10 pts)	N.D. Cent. Code § 25-03.1-02(20)(a)-(b)	☒ Contains explicit criteria (10 pts) ☐ Language is vague/ambiguous (-3 pts) ☐ Harm must be imminent (-3 pts)	10
6. Quality of criteria for grave disability/basic needs (up to 10 pts)	N.D. Cent. Code § 25-03.1-02(20)(c)	☒ Contains explicit criteria (10 pts) ☐ Language is vague/ambiguous (-3 pts) ☐ Endangerment must be imminent (-3 pts) ☐ Criteria require family to turn person out of home to receive treatment (-3 pts) ☐ Unreasonably high risk of harm (-3 pts)	10
7. Quality of criteria for psychiatric deterioration (up to 10 pts)	N.D. Cent. Code § 25-03.1-02(20)(d)	☒ Contains explicit criteria (10 pts) ☐ Language is vague/ambiguous (-3 pts)	10
SUBTOTAL			43
PART ONE: Extra Credit			
1. Specifies in which court a petition for inpatient commitment shall be filed (1 pt)	N.D. Cent. Code § 25-03.1-2(4)	District court in the county where the person resides or is located	1
Extra Credit			1
PART ONE TOTAL			44

PART TWO: Outpatient Commitment Statute (up to 50 points)			
Criterion	Citation	Specifications	Points
1. AOT explicitly authorized (5 pts)	N.D. Cent. Code §§ 25-03.1-02(2), 25-03.1-21	☐ Requires local government to adopt (-3 pts) <i>Referred to as “alternative treatment”</i>	5
2. Citizen access to court for AOT (5 pts)	N.D. Cent. Code § 25-03.1-08	☒ Authorizes family/enumerated adults (3 pts) ☒ Authorizes any responsible adult (2 pts) ☐ Authorizes citizen petition to mental health system only (-2 pts) <i>(See comment 2 below)</i>	5
3. Criteria sufficiently broad to provide actual access (up to 10 pts)	N.D. Cent. Code § 25-03.1-02(13), (20)	Evaluate applicable provision only: ☒ If inpatient/outpatient criteria are the same: ☒ Inpatient criteria include psychiatric deterioration standard (10 pts) <u>or</u> ☐ No psychiatric deterioration standard, adequate grave disability standard (5 pts) <u>or</u> ☐ If outpatient criteria are distinct from inpatient criteria: ☐ Allows consideration of length of treatment history ≥ 36 months (2 pts) ☐ Does not exclude periods of incarceration or hospitalization (-1 pt) ☐ Does not limit application to those currently dangerous or unstable (4 pts) ☐ Does not limit application to those refusing service or lacking insight (4 pts)	10
4. Authorizes AOT directly from community (5 pts)	N.D. Cent. Code § 25-03.1-21		5
5. Procedures sufficiently detailed to guide practitioners (up to 5 pts)	N.D. Cent. Code §§ 25-03.1-21, 25-03.1-22	☒ Process specified and reasonable (1 pt) ☒ Timelines specified and reasonable (1 pt) ☒ Responsible entities identified (1 pt) ☐ Periodic reporting to court required (1 pt) ☒ Renewal process expressly specified (1 pt)	4
6. Procedures require the treatment plan to be shared with the court (5 pts)			0
7. Specifies procedures and consequences for nonadherence (5 pts)	N.D. Cent. Code § 25-03.1-21(2)-(3)		5
8. Duration of initial order	N.D. Cent. Code § 25-03.1-22	☒ = 90 days (2 pts) <u>or</u> ☐ > 90 days (5 pts)	2
9. Duration of continued order	N.D. Cent. Code § 25-03.1-22	☐ = 180 days (2 pts) <u>or</u> ☒ > 180 days (5 pts) <i>Not to exceed one year</i>	5
SUBTOTAL			41
PART TWO: Extra Credit			
1. Specifies court for AOT (1 pt)	N.D. Cent. Code § 25-03.1-2(4)	<i>District court in the county where the person resides or is located</i>	1
2. Court monitoring of voluntary settlement agreements (5 pts)			
Extra Credit			1
PART TWO TOTAL			42

FINAL SCORE	
PART ONE TOTAL	44
PART TWO TOTAL	42
TOTAL	86

Comments:

1. N.D. Cent. Code §25-03.1-25(2) permits petitions for involuntary commitment to include a request for emergency evaluation. The citizen petition process (see comment 2) requires a timeframe that ultimately renders the response non-emergent.
2. Any adult can present information necessary for involuntary commitment *to the state's attorney or to an attorney retained by the petitioner to complete the petition*. The attorney must determine there is probable cause to believe the subject meets criteria before filing the petition. A state's attorney's decision not to petition may be challenged through a claim of failure of state's attorney to perform duty. The requirement for representation by counsel is a possible barrier to use of the statute.