



We have the legal right of way.

MENTAL HEALTH: Changes to Ohio's Civil Commitment Laws

Civil commitment is when a probate court orders a person with mental illness to receive treatment. The law sets rules for when a person can be ordered to receive treatment in a hospital or outside of a hospital, also called outpatient treatment. As of September 17, 2014, the law on civil commitment changed, so this guide provides some basic information about Ohio's civil commitment laws.

What is court-ordered outpatient treatment?

Court-ordered outpatient treatment is also known as Assisted Outpatient Treatment (AOT) or Involuntary Outpatient Commitment (IOC). When a court orders outpatient treatment, the treatment team develops a plan of services that will meet the person's needs and the person must use those services.

Who is affected by civil commitment?

People with a mental illness who are a current risk to hurt themselves or others can be ordered into treatment. Now, a person with mental illness can also be ordered into court-ordered outpatient treatment if all of the following apply:

- The person is unlikely to "survive safely" in the community;
- The person has not complied with treatment in the past;
- The person has been in a hospital, in a jail, violent or threatening in the past few years;
- The person is unlikely to agree to get treatment; and
- The person needs treatment to prevent harm to themselves or others.

Where does a person get treatment if the probate court orders it?

The probate court can order treatment in many different settings. Usually, the court orders treatment in a hospital or orders the local Alcohol, Drug Addiction, and Mental Health (ADAMH) board to arrange the person's treatment in a hospital or other setting. Now, this treatment can include court-ordered outpatient treatment. If a person meets the criteria described above, the court can only order outpatient treatment, not treatment in a hospital.

What rights does a person have in court?

If a court is deciding whether to order a person to receive treatment, the court has to hold a hearing, which is a meeting where the judge is given information to review that helps them make a choice about if they are going to order treatment for a person. During this hearing the person has a right to:

- An attorney (if the person does not have enough money for an attorney, the court must provide one)
- Go to all hearings

- Be evaluated by an independent expert (if the person does not have enough money to pay for the evaluation, the court must pay for it)
- Be able to look at all documents, information and evidence used in the hearing
- Have documents and witnesses that they choose examined at the hearing
- Ask witnesses questions at the hearing
- Testify for himself/herself (if he/she chooses to testify)
- Get a copy of the hearing transcript
- Require that the hearing be closed to the public

How does civil commitment end?

After a court orders a person to receive treatment, the person can agree to get the treatment and ask the hospital or agency to accept the person as a voluntary patient. If the hospital or agency accepts the person as a voluntary patient, the civil commitment court order ends. Or, if the person agrees to the treatment more than 90 days after the court orders treatment, the hospital or agency must tell the court that the person has agreed to the treatment, and the court can end the court order.

The court must hold a new hearing at the end of the first 90 days, and at least every two years after that, to decide whether the person still needs court-ordered treatment and whether the person still meets the requirements in the law for civil commitment. If the person does not meet the requirements, then the court order ends.

How can a person get help or more information?

Call Disability Rights Ohio at 614-466-7264 or 800-282-9181. Anyone who has questions or concerns about the new law—or who knows someone who is unfairly court-ordered to receive treatment—can request help from Disability Rights Ohio.

Sometimes the laws about civil commitment are complex or confusing. This guide provides basic information, but there are many more details that may be important for your situation. Please call Disability Rights Ohio if you want to know more about civil commitment or if you have a question about your situation.