

# Involuntary Treatment/Mental Health

## **Order to Apprehend for Evaluation/Treatment**

Under certain circumstances, as ordered by a judge of Probate Court or Superior Court, Georgia law authorizes involuntary treatment of persons, aged 18 or older, proved to be suffering from mental illness or drug or alcohol addiction. *(For persons or minors under age 18, please contact the Juvenile Court.)*

In crisis situations, and sometimes in certain other instances, the law allows the judge to order a person to be apprehended by the sheriff or their deputy on the basis of a two-party affidavit and delivered to a hospital for evaluation by a doctor or other appropriate medical personnel to determine whether, in his or her opinion, involuntary treatment is necessary or advisable. The Sheriff's Office or the judge may also take such action on the basis of a doctor's certificate. In addition, if a police officer observes a crime being committed by a person whom the officer reasonably believes is mentally ill and in need of treatment, the officer has the discretion to take such person to be evaluated instead of arresting him or her.

## **Patients' Rights**

Patients and persons who are proposed patients (people who are the subject of involuntary treatment proceedings) have certain rights in connection with the legal procedures and with the treatment itself. These rights are specified by statute. Many other due process protections are built into involuntary treatment proceedings as well.

## **Regarding Involuntary Treatment Proceedings**

A word of caution: the Georgia statutes governing involuntary treatment proceedings are complex and sometimes confusing. As a result, the local application of these statutes varies from county to county. Patients, lawyers, family members, and friends of persons who may potentially be subject to involuntary treatment proceedings are encouraged to inquire locally about standard practice in that area.

You should also be aware that as a practical matter, involuntary treatment for drug- or alcohol-dependent persons may not generally be available except as necessary to allow detoxification of persons who do not want to be there voluntarily. Often a good alternative is to seek other, less formal means of intervention, available through various social service agencies.

### **In the Event of an Emergency**

In the event help is needed and the probate court is not open, please call the **Georgia Crisis & Access Line** at **1-800-715-4225** or visit them on the web at <http://mygcal.com>.

You can also visit the Georgia Department of Behavioral Health and Developmental Disabilities at <http://dbhdd.georgia.gov>.

**Help is available 24/7 for problems with mental health, drugs, or alcohol.**