

# Involuntary Hospitalization Process



Wyoming Department of Health  
Behavioral Health Division  
1.800.535.4006  
307.777.6494

## What is Involuntary Hospitalization?\*

**\*This section does not apply to individuals who have been committed to the hospital pursuant to a criminal proceeding.**

Involuntary Hospitalization is a process that follows on from an Emergency Detention (please see, or request a copy of, the Emergency Detention handout).

This document is intended to summarize the processes of Involuntary Hospitalization, as described in the Wyoming State Statute 25-10-110, which can be found at: <http://legisweb.state.wy.us>.

## Who decides if an individual will be involuntarily hospitalized?

The decision to have an individual undergo involuntary hospitalization is made by a court of law.

## Where does the hospitalization occur?

The individual will be admitted into a designated hospital or appropriate alternative facility, such as a veteran's facility or federal agency facility, dependent on the facility's ability to provide appropriate care and treatment.

When the proceedings for involuntary hospitalization have begun, the court provides the individual with notice of the purpose of the proceeding, the identity and authority of the examiner, the right of the individual to seek, or be appointed, legal counsel, the basis for the proposed hospitalization, and that a hearing will be held if warranted.

The courts will appoint an examiner to the individual in question to conduct an assessment and to provide a written report of any findings, regarding the history and mental illness of the individual. This assessment will happen no later than seven (7) days from the date of notice. If the examiner reports that the individual is **not** mentally ill, the court will stop the proceeding. If the examiner reports that the individual is mentally ill, the court will fix a date for a hearing.

At this hearing, if it is determined that the individual is mentally ill, the court will order and organize his/her hospitalization and subsequent required transportation. The court will also notify his/her next of kin or person responsible for care and custody, and will determine his/her competency (ability to make decisions) regarding treatment and prescribed psychotropic drugs, which the court may order the administration of based upon psychiatric review. The court may also suspend proceedings pending voluntary treatment, and order any disposition for which private resources are available and which is consistent with the best interest of the individual and with public safety.

The individual will undergo a progress evaluation within three months of their admission to the facility. During this evaluation it will be determined if **Directed Outpatient Commitment** is a possible option.

**Directed Outpatient Commitment** is when treatment continues, but is provided by a court ordered facility in an outpatient setting. This option may require periodic reporting, the continuation of medication, restriction of travel, drug and alcohol use, and additional reasonable specifications ordered by the Court.

Additionally, an individual who has shown marked improvement may be considered for **Convalescent** (recuperating) **Leave**. This Leave is contingent on the individual having a plan of treatment on an outpatient, or community based treatment provider, basis. Before one (1) year is completed of Convalescent Leave status, and not less than yearly after, the hospital will reexamine the facts, and if it is decided that hospitalization is no longer likely, a report of discharge will be made to the court and county attorney. The facility that granted the convalescent leave can also readmit the individual as an involuntarily hospitalized patient, if there is a reasonable belief that this is for the best interest of the individual.

Any individual who is on Convalescent Leave for two (2) continuous years will be discharged.

If Directed Outpatient Commitment and/or Convalescent Leave are not considered appropriate, the Involuntary Hospitalization will continue, and the individual will undergo progress evaluations every six (6) months.

### **Who pays for all of these costs?**

The county in which the individual is detained or in which involuntary hospitalization proceedings are brought, is responsible for the costs of transportation and treatment provided within the first 72 hours of detention, including weekends and legal holidays. Medical care related to suicide attempts or serious bodily harm will be provided, and the county will cover these costs. The county will also cover court and attorney fees for Wyoming residents, while the Wyoming Department of Health will handle costs for non-residents.

**Always call 911 for emergencies. If you are concerned about a family member or loved one, call your local police department's crisis intervention line or send a text message to the Crisis Line at 741-741. You can also call the Substance Abuse & Mental Health Ombudsman at 888.857.1942. For more information, go to <http://health.wyo.gov/mhsa>.**