

# I AM A VOLUNTARY PATIENT AT A PSYCHIATRIC HOSPITAL.

*What are my rights in Wisconsin?*



## VOLUNTARY COMMITMENT

If you are a voluntary patient, it means you have voluntarily admitted yourself for treatment in a psychiatric hospital.

**As a voluntary patient, you have the right to:**



### LEAVE

- You have the right to request discharge & the facility must release you, or file an emergency detention with the court if they don't believe it is safe for you to leave.



### TREATMENT

- You have the right to refuse treatment, including medications, except in an emergency.
- You cannot refuse court-ordered treatment.
- You have the right to be included in developing your treatment plan.



### SUPPORT

- You may file a complaint at any time. Ask the facility social worker or client rights specialist for more information.
- You have the right to work with a lawyer of your choice.

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## INVOLUNTARY COMMITMENT

You are being required by a court to be treated in the hospital for up to 6 months (no more than 1 year) because you refused voluntary hospitalization or do not meet criteria for outpatient services. This is also called Civil Commitment.

**There are (3) types of involuntary commitment:**

### 1. EMERGENCY DETENTION (72-HR HOLD)

- Law enforcement may take you to the closest facility if they believe you are a significant danger to yourself or others.
- You will be evaluated by a licensed psychiatrist within 24-48 hours who will make a recommendation about whether you need treatment.
  1. If you don't, you will be released
  2. If you do, you can accept or refuse.
    - a. If you accept, you become a voluntary patient
    - b. If you refuse, a three-party petition is needed, and an **Emergency Detention Order** may be needed until the court hearing can occur

Within 72-hours of arriving at the facility (excluding weekends & holidays) you will have a **probable cause hearing** for the court to determine next steps in your treatment.

#### **Emergency Detention Order**

An Emergency Detention Order is temporary and lasts until the court hearing, and requires that you:

- Have a mental illness that has (or will) lead you to be dangerous to yourself or others
- Have a mental illness that prevents you from taking care of yourself
- Need treatment, but are refusing help

### 2. DIRECTOR'S HOLD (OR DIRECTOR'S PETITION)

- If you are in the hospital and decide you want to leave, the psychiatrist may use a Director's Hold to keep you in the facility for 2 business days if they believe you are a danger to yourself or others.
  - If this happens, you will have a **probable cause hearing** within 72-hours (excluding weekends & holidays) for the court to determine next steps. More information about the probable cause hearing can be found below.

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## 3. THREE PARTY PETITION

- Three adults can ask the court to require you to get treatment because of dangerous behaviors that are a result of mental illness, drug dependency or developmental disability.
- This process takes time. While you wait, you may require an **Emergency Detention** for more immediate treatment.

### PROBABLE CAUSE HEARING

There are 3 outcomes from the probable cause hearing, which will determine your next steps.



#### **Probable cause not found:**

1. Judge determines you are not dangerous, you don't meet criteria for involuntary commitment, or there is a more appropriate treatment setting. The court will dismiss your case & you are released.



#### **Probable cause found:**

If the judge determines you need treatment, there are two ways that can happen:

2. You agree to treatment and enter voluntarily. This is known as a Settlement Agreement – the doctor recommends treatment, and you agree. (Limited to 90 days)
3. You do not agree to treatment so the court requires it.
  - a. This is known as a Commitment Order and can require inpatient or outpatient treatment for up to 6 months.