

Adult Civil Commitment in Utah

INVOLUNTARY COMMITMENT	INTELLECTUAL DISABILITY (TEMPORARY)	INTELLECTUAL DISABILITY (COURT ORDER)	MENTAL HEALTH (TEMPORARY)	MENTAL HEALTH (COURT ORDER)
WHO CAN INITIATE	1- A responsible individual who has reason to know, or 2-Certification by a licensed physician or designated int. disability professional	A responsible individual who has a belief a person has an intellectual disability & personal knowledge of the conditions or circumstances leading to belief	1- A responsible individual who has reason to know accompanied by a certification by a health care professional (listed); or 2- A peace or mental health officer	A responsible individual who has credible knowledge of an adult's mental illness & the conditions or circumstances leading to need for commitment.
THE FACTFINDER	The DSPD Director	District Court	The Initiator	The Court
THE STANDARD FOR COMMITMENT	The individual has an intellectual disability and is likely to cause serious injury to self or others if not immediately committed (physician/professional only needs to find likely to injure, not seriously injure).	Clear and convincing evidence that: 1- person has an intellectual disability; 2- because of the disability, the person poses an immediate danger, lacks the capacity to provide basic necessities, or is in immediate need of care to avoid danger; 3- there is no appropriate less restrictive alternative; and 4- DSPD can provide the patient with adequate & appropriate care.	Due to mental illness, the person poses a substantial danger to self or others if not restrained.	Clear and convincing evidence that: 1- patient has a mental illness; 2- because of illness, patient poses substantial danger to self or others; 3- patient lacks ability to engage in rational decision-making regarding accepting treatment; 4- there is no appropriate less restrictive alternative; and 5- the local mental health authority can provide the patient with adequate & appropriate tx.
CONDITION OF RELEASE	24 hours unless involuntary commitment proceedings have been commenced	DSPD or Court shall discharge the person if the conditions for commitment no longer exist	24 hours (unless application has begun), or Local mental health authority determines criteria are no longer met	Local mental health authority decides the conditions justifying commitment no longer exist.
LOCATION OF COMMITMENT	Intermediate care facility for people with an intellectual disability	Intermediate care facility or DSPD	Peace officer's protective custody and transported to a temporary commitment facility designated by the local mental health authority.	Local mental health authority's discretion
CODE SECTION	26B-6-607	26B-6-608	26B-5-331	26B-5-332
COLLOQUIAL TERM	Pink sheet (responsible individual or physician)	White sheet	Pink sheet (responsible ind.) or Blue sheet (officer)	White sheet

Terms to Know

Competent to Stand Trial- A defendant has: (a) a rational and factual understanding of the criminal proceedings against the defendant and the punishment specified for the offense charged; and (b) the ability to consult with the defendant's legal counsel with a reasonable degree of rational understanding in order to assist the defense. Utah Code §77-15-2(2).

Guilty With a Mental Condition (previously Guilty And Mentally Ill)- The parties stipulate, or a court finds by clear and convincing evidence, that: (i) The defendant had a mental condition at the time of the commission of the offense; and (ii) the defendant could benefit from supervision or treatment. Utah Code §77-16a-103(1).

Not Guilty by Reason of Insanity- The defendant, as a result of a mental condition, lacked the mental state required as an element of the offense charged. Utah Code §76-2-305(2)(a).

Traumatic Brain Injury- A disruption in the normal function of the brain that can be caused by a bump, blow, or jolt to the head, or penetrating head injury. *CDC Definition- Not defined in state code.*

Organic Brain Syndrome- An acute or chronic mental dysfunction (such as Alzheimer's disease) resulting chiefly from physical changes in brain structure and characterized especially by impaired cognition. *Merriam-Webster Not defined in state code.*