

**Effective 5/4/2022**

**Renumbered 5/3/2023**

**62A-15-629 Temporary commitment -- Requirements and procedures -- Rights.**

- (1) An adult shall be temporarily, involuntarily committed to a local mental health authority upon:
  - (a) a written application that:
    - (i) is completed by a responsible individual who has reason to know, stating a belief that the adult, due to mental illness, is likely to pose substantial danger to self or others if not restrained and stating the personal knowledge of the adult's condition or circumstances that lead to the individual's belief; and
    - (ii) includes a certification by a licensed physician, licensed physician assistant, licensed nurse practitioner, or designated examiner stating that the physician, physician assistant, nurse practitioner, or designated examiner has examined the adult within a three-day period immediately preceding the certification, and that the physician, physician assistant, nurse practitioner, or designated examiner is of the opinion that, due to mental illness, the adult poses a substantial danger to self or others; or
  - (b) a peace officer or a mental health officer:
    - (i) observing an adult's conduct that gives the peace officer or mental health officer probable cause to believe that:
      - (A) the adult has a mental illness; and
      - (B) because of the adult's mental illness and conduct, the adult poses a substantial danger to self or others; and
    - (ii) completing a temporary commitment application that:
      - (A) is on a form prescribed by the division;
      - (B) states the peace officer's or mental health officer's belief that the adult poses a substantial danger to self or others;
      - (C) states the specific nature of the danger;
      - (D) provides a summary of the observations upon which the statement of danger is based; and
      - (E) provides a statement of the facts that called the adult to the peace officer's or mental health officer's attention.
- (2) If at any time a patient committed under this section no longer meets the commitment criteria described in Subsection (1), the local mental health authority or the local mental health authority's designee shall document the change and release the patient.
- (3)
  - (a) A patient committed under this section may be held for a maximum of 24 hours after commitment, excluding Saturdays, Sundays, and legal holidays, unless:
    - (i) as described in Section 62A-15-631, an application for involuntary commitment is commenced, which may be accompanied by an order of detention described in Subsection 62A-15-631(4);
    - (ii) the patient makes a voluntary application for admission; or
    - (iii) before expiration of the 24 hour period, a licensed physician, licensed physician assistant, licensed nurse practitioner, or designated examiner examines the patient and certifies in writing that:
      - (A) the patient, due to mental illness, poses a substantial danger to self or others;
      - (B) additional time is necessary for evaluation and treatment of the patient's mental illness; and
      - (C) there is no appropriate less-restrictive alternative to commitment to evaluate and treat the patient's mental illness.

- (b) A patient described in Subsection (3)(a)(iii) may be held for a maximum of 48 hours after the 24 hour period described in Subsection (3)(a) expires, excluding Saturdays, Sundays, and legal holidays.
- (c) Subsection (3)(a)(iii) applies to an adult patient.
- (4) Upon a written application described in Subsection (1)(a) or the observation and belief described in Subsection (1)(b)(i), the adult shall be:
  - (a) taken into a peace officer's protective custody, by reasonable means, if necessary for public safety; and
  - (b) transported for temporary commitment to a facility designated by the local mental health authority, by means of:
    - (i) an ambulance, if the adult meets any of the criteria described in Section 26-8a-305;
    - (ii) an ambulance, if a peace officer is not necessary for public safety, and transportation arrangements are made by a physician, physician assistant, nurse practitioner, designated examiner, or mental health officer;
    - (iii) the city, town, or municipal law enforcement authority with jurisdiction over the location where the adult is present, if the adult is not transported by ambulance;
    - (iv) the county sheriff, if the designated facility is outside of the jurisdiction of the law enforcement authority described in Subsection (4)(b)(iii) and the adult is not transported by ambulance; or
    - (v) nonemergency secured behavioral health transport as that term is defined in Section 26-8a-102.
- (5) Notwithstanding Subsection (4):
  - (a) an individual shall be transported by ambulance to an appropriate medical facility for treatment if the individual requires physical medical attention;
  - (b) if an officer has probable cause to believe, based on the officer's experience and de-escalation training that taking an individual into protective custody or transporting an individual for temporary commitment would increase the risk of substantial danger to the individual or others, a peace officer may exercise discretion to not take the individual into custody or transport the individual, as permitted by policies and procedures established by the officer's law enforcement agency and any applicable federal or state statute, or case law; and
  - (c) if an officer exercises discretion under Subsection (4)(b) to not take an individual into protective custody or transport an individual, the officer shall document in the officer's report the details and circumstances that led to the officer's decision.
- (6)
  - (a) The local mental health authority shall inform an adult patient committed under this section of the reason for commitment.
  - (b) An adult patient committed under this section has the right to:
    - (i) within three hours after arrival at the local mental health authority, make a telephone call, at the expense of the local mental health authority, to an individual of the patient's choice; and
    - (ii) see and communicate with an attorney.
- (7)
  - (a) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to this section.
  - (b) This section does not create a special duty of care.