### "Legal 2000s" aka 72 Hour Hold & What Happens Next

Jennifer Rains Chief Deputy Public Defender Washoe County

## "Legal 2000"

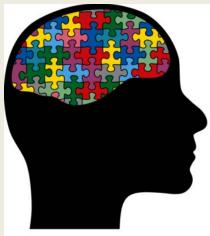
- Department of Public & Behavioral Health Form based on NRS
- Becomes exhibit attached to the petition for involuntary admission



## "Person with Mental Illness" defined in NRS 433A.115

• Mental Illness means:

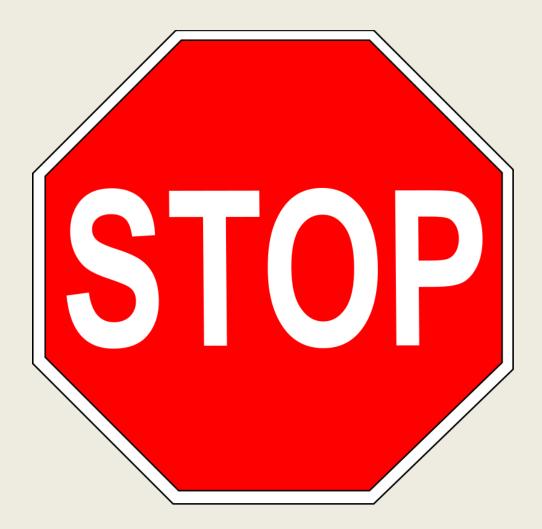
 Capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for personal needs is diminished so to be a clear and present danger of harm to self or others



# "Person with Mental Illness" defined in NRS 433A.115

- Does not include (unless a mental illness contributes to diminished capacity of the person):
  - Epilepsy
  - Intellectual disability
  - Dementia
  - Delirium
  - Alcohol/drugs (either brief intoxication or dependence/addiction)

#### No mental illness $\rightarrow$ no hold.



## Danger to self

A person presents a clear and present danger of harm to himself or herself if:

- within the immediately preceding 30 days,
- 2. as a result of a mental illness
  - 1. unable to satisfy his or her need for nourishment, personal or medical care, shelter, self-protection or safety, <u>and</u> exists a reasonable probability that the person's death, serious bodily injury or physical debilitation will occur within the next following 30 days
  - 2. Attempted or threatened to commit suicide



3. Self-mutilation

### Danger to Others

A person presents a clear and present danger of harm to others if:

- within the immediately preceding 30 days,
- 2. as a result of a mental illness,
- 3. inflicted or attempted to inflict serious bodily harm on any other person,
- 4. <u>or made threats to inflict harm and</u> committed acts in furtherance of those threats,
- 5. <u>and</u> if there exists a reasonable probability that he or she will do so again



### 72 Hours

- Starts from the date/time on page 1 of the form
- Includes weekends and holidays
- Becomes exhibit attached to the petition for involuntary admission



### It's been 72 hours. Now What?

- Before the close of the business day on which the 72 hours (including weekend & holidays) expires hospital either:
  - Releases patient (or patient chooses to stay voluntarily)
    OR
  - Petitions court for involuntary admission to a mental health facility (legal 2000 attached as an exhibit) NRS 433A.150
    - Petition must be filed on or before the close of the business day next (if expiration falls on holiday/weekend)
    - Petition begins a court case

#### **Court Process**

- Sealed & confidential
- Hearing date must be within 5 judicial days of petition NRS 433A.220
- Patient has right to counsel (PD). NRS 433A.270(1)
- PD team interviews every patient
  - By local practice judge allows continuances up to 40 days



#### The Court Doctors

 Court shall cause 2 physicians or licensed psychologists, one of whom must always be a physician, to examine the person alleged to be a person with mental illness (aka "the court doctors"). Interviews on Wednesdays. NRS 433A.240



#### **Court Hearings**

- Person alleged to be mentally ill has right to be present and testify NRS 433A.290
  - Court is on Thursdays & usually held at Dini
    Townsend Hospital on the NNAMHS Campus
- DA represents the State & presents evidence in support of involuntary commitment NRS 433A.270(5)



#### **Involuntary Court Admission**

- Involuntary court-ordered admission if court finds clear and convincing evidence that the person with respect to whom the hearing was held has a mental illness and, because of that illness, is likely to harm himself or herself or others
- Involuntary admission automatically expires at the end of 6 months if not terminated previously by the medical director of the public or private mental health facility