

## Patient's Explanation Of The Involuntary Commitment Process In Virginia And The Statutory Protections Associated With The Process

As required by [Virginia Code Section 37.2-814 \(D\)](#), this is a written explanation of the Virginia involuntary commitment rules here in Richmond, Virginia.

I am a lawyer appointed by the Court to represent you, and am giving you this statement before a civil commitment hearing is held. At the hearing you can volunteer for mental health treatment in the hospital, you may be released, or you may be required to stay in the hospital.

You are being detained under a temporary detention order. The order was issued by a magistrate who believed that you were mentally ill, and dangerous to yourself, or to someone else, or unable to care for yourself.

A judge will conduct a hearing today. The judge will read a report issued by a mental health official. You will be in the room with the judge and me. The judge will permit you to volunteer for treatment. If you do not want to, the judge may listen to a psychiatrist. The psychiatrist will have interviewed you before the hearing, and may interview you during the hearing. The psychiatrist may report to the judge in a report or by talking.

The judge will listen to you if you wish to talk. If the doctor says you are mentally ill and dangerous, the judge can do any of these things:

- Release you if the judge believes that you have not been proven to be mentally ill, and dangerous;
- Require you to stay in the hospital, if the judge believes that you have been proven mentally ill, and dangerous; or
- Release you with an outpatient order, if the judge believes that you have been proven mentally ill, and dangerous, but that treatment less restrictive than hospitalization is satisfactory.

You have many rights in the hearing, including the following:

- You can hire a lawyer on your own. You will have to pay or make arrangements for this lawyer. If do not hire a lawyer, I will represent you. You do not have to pay me.
- You can present any defenses you have. You can pay for independent expert testimony. You can summons testimony of other witnesses.
- If the judge makes you stay in a hospital, you can [appeal](#) to the Circuit Court here in Richmond, or to the circuit court in any city or county in which the hospital is located where you will be treated. You must file your written request for appeal within 30 days of the hearing date. You have a right to a jury on appeal.
- For medical consents: if the judge also consents for nerve ("antipsychotic") medicine or electroconvulsive therapy, you have 10 days to appeal the consent order to the Circuit Court.

11/5/05