

RIGHTS INFORMATION FOR RESPONDENTS IN MENTAL HEALTH HEARINGS: INVOLUNTARY ADMISSION

A petition has been filed in the circuit court seeking court authority to admit you to a mental health facility involuntarily. The court has appointed an attorney from the Guardianship and Advocacy Commission's Legal Advocacy Service to represent you at the hearing on the petition.

At the hearing, you will have the following rights:

1. to be represented by your own attorney or to represent yourself;
2. to be present at the hearing unless you are excused by the judge (but please be aware that, if you decide not to go to court, the hearing may be held in your absence, and a court order for involuntary mental health services could be entered against you even though you did not attend the hearing);
3. to ask the court to postpone the hearing to allow you and your attorney time to prepare your defense (but please be aware that the State may also ask to postpone the hearing over your objection);
4. to request that your case be tried by a jury of six persons (but please be aware that in some counties this may delay the proceedings);
5. to be examined by an independent expert who then might testify at the hearing on your behalf;
6. to present evidence, including your own testimony and the testimony of other witnesses;
7. to cross-examine, through your attorney, witnesses who testify against you; and
8. to have the hearing closed to the public.

Prior to the hearing, you may agree to remain at the hospital and sign an application for voluntary admission. If you do, the petition for involuntary admission may be dismissed and the hearing may be cancelled.

If a hearing is held, the State will try to prove the following elements by clear and convincing evidence:

(405 ILCS 5/1-119) (from Ch. 91 1/2, par. 1-119) Sec. 1-119. "Person subject to involuntary admission" means:

1. A person with mental illness and who because of his or her illness is reasonably expected to engage in dangerous conduct which may include threatening behavior or conduct that places that person or another individual in reasonable expectation of being harmed;
2. A person with mental illness and who because of his or her illness is unable to provide for his or her physical needs so as to guard himself or herself from serious harm without the assistance of family or outside help; or
3. A person with mental illness who, because of the nature of his or her illness, is unable to understand his or her need for treatment and who, if not treated, is reasonably expected to suffer or continue to suffer mental deterioration, or both, to the point that the person is reasonably expected to engage in dangerous conduct. In determining whether a person meets the criteria specified in paragraph (1), (2), or (3), the court may consider evidence of the person's repeated past pattern of specific behavior and actions related to the person's illness. (Source: P.A. 95-602, eff. 6-1-08)

If, after the hearing, a court order for involuntary treatment is entered against you, the first order will be

valid for up to 90 days. After those 90 days, another petition could be filed seeking continued involuntary treatment, and, if granted, the second consecutive order for involuntary treatment would be valid for up to an additional 90 days. Any subsequent consecutive court orders would be valid for up to an additional 180 days. You should receive a copy of any court orders entered in your case.

You have the right to appeal a court order for involuntary mental health treatment. A written notice of your intent to appeal to the Appellate Court must be filed within 30 days of the trial court's order. You should include a request for a transcript of the proceedings and counsel.