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RESOLUTION 2020-03

ALLOW FOR 72 HOURS OF TEMPORARY HOLD

It is the intent of the Montana Association of Counties to amend laws pertaining to the involuntary commitment of individuals in mental health crises to allow an affidavit for 72 hours of temporary hold in an appropriate crisis stabilization facility prior to the filing of a petition for commitment, because it can avoid unnecessary, lengthy court proceedings, reduce the occurrence of involuntary commitments, and produce better health outcomes for individuals in mental health crises.

WHEREAS, Montana and the nation are experiencing increases in the number of individuals in mental health crises; and

WHEREAS, M.C.A. §53-21-127 authorizes the civil involuntary commitment of individuals in a mental health crisis who are a danger to themselves or others or cannot meet their basic needs and refuse voluntary care; and

WHEREAS, a petition for involuntary commitment formally engages the legal system and leads to a lengthy court process; and

WHEREAS, many individuals in acute crisis will stabilize given adequate time; and

WHEREAS, once a petition for commitment is filed, an individual must engage in the court process even if they have stabilized, causing trauma for someone recovering from an acute mental health crisis and consuming valuable court resources; and

WHEREAS, a 72-hour temporary hold period, recommended by a licensed mental health professional, prior to the filing of a petition for commitment would allow time for patients to stabilize and enable clinicians to make more accurate assessments; and

WHEREAS, longer temporary hold periods are correlated with a lower probability of hospitalization and, when hospitalization occurs, a lower probability of involuntary hospitalization; and

WHEREAS, decreasing involuntary commitments saves local and state government resources and, when appropriate to avoid, produces better health outcomes for individuals in mental health crises.

NOW, THEREFORE BE IT RESOLVED that the Montana Association of Counties will seek to amend statutes to allow, with the recommendation of a mental health professional the option of an affidavit for 72 hours of temporary hold in an appropriate crisis stabilization facility prior to the filing of a petition for commitment. The county must authorize transport by resolution.

SPONSOR:	GALLATIN COUNTY
RECOMMENDATION:	DO PASS AS AMENDED
REFERRED TO:	MACO HEALTH & HUMAN SERVICES COMMITTEE; AND MACO JUSTICE & PUBLIC SAFETY COMMITTEE
ADOPTED:	ANNUAL CONFERENCE – OCTOBER 1, 2020