

PROBATE COURT

Mental Health Commitments

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Policy The Department of Children and Families shall conform to Conn. Gen. Stat. §§17a-75 to 17a-83 when seeking the commitment of a child in its custody to a psychiatric hospital.

Voluntary Admission of Child in DCF Custody No child, age 14 years or older, in the custody of DCF shall be voluntarily admitted to a hospital for mental illness for diagnosis or treatment unless:

- the Area Office Director requests admission; and
- the child and his or her attorney consent in writing to such admission.

Involuntary Commitment of Child under Age 16 No child, under age 16 years, in the custody of DCF, shall be admitted to a hospital for mental illness for diagnosis or treatment unless:

- the child has been admitted under a physician’s emergency certificate (PEC) for not more than 15 days; and
- an application for commitment is filed in the Probate Court prior to the expiration of the 15 days, in which event the hospitalization shall be continued under the emergency certificate for an additional 15 days, or 25 days if the matter has been transferred to the Superior Court, or until the completion of court proceedings, whichever occurs first.

Legal references: Conn. Gen. Stat. §§17a-78, 17a-79(b).

For admissions to the Albert J. Solnit Center Hospital, the commitment process shall be initiated by Solnit hospital staff.

For admissions to other hospitals for mental illness, the commitment process shall be initiated by Area Office Social Worker.

Involuntary Commitment of Child over Age 16 If a child age 16 or older requires admission to a hospital for mental illness and either will not or cannot consent to admission, the hospital may apply to the Probate Court for involuntary commitment.

A child over 16 may be admitted to a hospital for mental illness pursuant to a Physicians Emergency Certificate for up to 15 days, after which the child shall be released, or an application shall be filed for involuntary commitment.

An application shall be filed using the PC-801, “Petition/Involuntary Commitment of Person with Psychiatric Disabilities.”

The child may voluntarily consent to admission at any time during the process.

Jurisdiction When a child is hospitalized under a Physician’s Emergency Certificate (PEC), application for commitment shall be filed in the Probate Court for the district where the hospital is located. Otherwise, with minor exceptions, the application for commitment shall be filed in the Probate Court for the district where the child resides.

Legal reference: Conn. Gen. Stat. §17a-76(a).

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Procedure To file an application for commitment, DCF shall file with the Probate Court the following:

- PC-800, "Application/Commitment of Mentally Ill Child;" and
- a letter to the hospital signed by the Area Office Director requesting involuntary admission.

Hearing The Probate Court shall schedule a hearing. The Probate Court shall appoint an attorney for the child (which may be the same attorney as appointed for matters involving the child in the Superior Court for Juvenile Matters).

- The hearing shall be held within ten business days.
- The child has the right to be present at all hearings.
- The Court shall require the child to be examined by at least two impartial physicians selected by the Court, one of whom shall specialize in psychiatry.
- Upon motion of the child or his or her attorney, the hearing may be held before a three-judge panel.

Any order for involuntary commitment shall not exceed six months.

No later than ten days prior to the expiration, an application for recommitment may be brought to the court which heard the original application.

Legal reference: Conn. Gen. Stat. §17a-76, 17a-77.

Social Worker Responsibilities The DCF Social Worker shall attend any hearings scheduled concerning the commitment of a child on his or her caseload. If the Social Worker is unable to attend a hearing, another DCF representative knowledgeable about the case shall attend.

The DCF Social Worker shall bring a copy of the child's case plan to the Probate Court. Information regarding the availability of less restrictive placement alternatives shall be provided to the Court.

The DCF Social Worker shall ensure that a Hospital Support and Visitation Plan has been developed and implemented.

Cross reference: Practice Guide: "Health Care Standards and Practice for Children and Youth in Care".

Consent for Treatment Involuntarily committed children may receive medication and treatment without their consent, or the consent of their parents, but no medical or surgical procedures may be performed without the written, informed consent of:

- the child's parent or guardian, if the child has one;
- the child's next of kin; or
- a qualified physician appointed by the Probate Court which signed the order of hospitalization.

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Consent for Treatment
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Note: If a hospital superintendent, in consultation with a physician, determines the condition of a child, whether a voluntary or involuntary patient, is of an extremely critical nature, then emergency measures may be taken without the consent outlined above.

Legal Reference: Conn. Gen. Stat. § 17a-81.

Cross reference: Practice Guide: "Health Care Standards and Practice for Children and Youth in Care".
