

Arkansas Law, Title 20 Public Health and Welfare, Subtitle 3. Mental Health, Subchapter 2 — Commitment and Treatment. (unofficial copy for informational purposes only 2022)

20-47-205. Jurisdiction of circuit court.

- (a) The circuit courts of this state shall have exclusive jurisdiction of the involuntary admission procedures initiated pursuant to this subchapter.
- (b) (1) Within seven (7) days of the person's detention, excluding weekends and holidays, the court shall conduct the hearing as defined in § 20-47-214.
- (2) Except as otherwise provided in subsection (d) of this section, the hearing, as defined by §§ 20-47-214 and 20-47-215, shall be conducted by the same court, or by a judge designated on exchange, who heard the original petition and issued the appropriate order.
- (3) The court shall ensure that the person sought to be involuntarily admitted is afforded all his or her rights as prescribed by this subchapter.
- (4) The circuit judge, when conducting any hearing set out in this subchapter, may conduct the hearing within any county of the judge's judicial district.
- (c) The hearings conducted pursuant to §§ 20-47-209, 20-47-214, and 20-47-215 may be held at inpatient programs of the state mental health system or a receiving facility or program where the person is detained.

20-47-207. Involuntary admission — Original petition.

- (a) Written Petition — Venue. Any person having reason to believe that a person meets the criteria for involuntary admission as defined in subsection (c) of this section may file a verified petition with the circuit clerk of the county in which the person alleged to have mental illness resides or is detained.
- (b) Contents of Petition. The petition for involuntary admission shall:
- (1) State whether the person is believed to be of danger to himself or herself or others as defined in subsection (c) of this section;
- (2) Describe the conduct, clinical signs, and symptoms upon which the petition is based. The description shall be limited to facts within the petitioner's personal knowledge;
- (3) Contain the names and addresses of any witnesses having knowledge relevant to the allegations contained in the petition; and
- (4) Contain a specific prayer for involuntary admission of the person to a hospital or to a receiving facility or program for treatment pursuant to § 20-47-218(c).
- (c) **Involuntary Admission Criteria.** (1) A person shall be eligible for involuntary admission if he or she is in such a mental condition as a result of mental illness, disease, or disorder that he or she poses a clear and present danger to himself or herself or others.
- (2) As used in this subsection, "a clear and present danger to himself or herself" is established by demonstrating that:
- (A) The person has inflicted serious bodily injury on himself or herself or has attempted suicide or serious self-injury, and there is a reasonable probability that the conduct will be repeated if admission is not ordered;
- (B) The person has threatened to inflict serious bodily injury on himself or herself, and there is a reasonable probability that the conduct will occur if admission is not ordered; or
- (C) The person's recent behavior or behavior history demonstrates that he or she so lacks the capacity to care for his or her own welfare that there is a reasonable probability of death, serious bodily injury, or serious physical or mental debilitation if admission is not ordered; or
- (D) (i) The person's understanding of the need for treatment is impaired to the point that he or she is unlikely to participate in treatment voluntarily;
- (ii) The person needs mental health treatment on a continuing basis to prevent a relapse or harmful deterioration of his or her condition; and
- (iii) The person's noncompliance with treatment has been a factor in the individual's placement in a psychiatric hospital, prison, or jail at least two (2) times within the last forty-eight (48) months or has been a factor in the individual's committing one (1) or more acts, attempts, or threats of serious violent behavior within the last forty-eight (48) months.
- (3) As used in this subsection, "a clear and present danger to others" is established by demonstrating that the person has inflicted, attempted to inflict, or threatened to inflict serious bodily harm on another, and there is a reasonable probability that the conduct will occur if admission is not ordered.

20-47-208. Role of prosecuting attorney.

- (a) (1) It shall be the duty of the prosecuting attorney's office in the county where the petition is filed to represent the petitioner, regardless of the petitioner's financial status, at all hearings held in the circuit court pursuant to this subchapter except those hearings held before the circuit judge at the Arkansas State Hospital in Pulaski County, Arkansas.
- (2) The Prosecutor Coordinator shall appear for and on behalf of the petitioner and the State of Arkansas before the circuit judge at the Arkansas State Hospital. The prosecuting attorneys of applicable counties may contract with other attorneys to provide these services.
- (b) Such representation shall be a part of the official duties of the prosecuting attorney or of the Prosecutor Coordinator, and the prosecuting attorney and the Prosecutor Coordinator shall be immune from civil liability in the performance of this official duty.
- (c) Nothing in this section shall prevent the petitioner from retaining his or her own counsel in these proceedings, in which case the prosecuting attorney or the Prosecutor Coordinator shall be relieved of the duty to represent the petitioner.