

Standards for Involuntary Treatment

The Law:

- NDCC 25-03.1-20 A person may be committed for involuntary treatment if
 - A person who is mentally ill or chemically dependent
 - And if not treated there exists a serious risk of harm, defined as substantial likelihood for suicide, killing or inflicting serious bodily harm or significant property damage, or substantial deterioration in health
- NDCC 25-03 A person may be committed in two ways
 - 25-03.1- 25 Immediate detention if there is cause to believe the individual is a person requiring treatment and serious risk of harm exists
 - 25-03.1-08 Petition for Involuntary Treatment if there is cause to believe the individual is a person requiring treatment; and if not treated it will pose a serious risk of harm; and there are no suitable alternatives
- NDCC 25-03.1-11 Upon detention a person must be immediately evaluated and a report filed with the court within 24 hours or released
- NDCC 25-03.1-17 A person taken into custody is entitled to a preliminary hearing within 72 hours and either committed for treatment or discharged
- NDCC 25-03.1-19 A person must have an involuntary treatment hearing within 14 days of the preliminary hearing and may be committed for up to 90 days
- NDCC 5-03.1-22 Petition for continuing treatment not less than fourteen days before the expiration of the 90-day order.

NORTH DAKOTA - Quality of Laws: A / Use of Laws: C+

QUALITY OF LAWS (73/80): Grade A		
Inpatient commitment law (34/34: Grade A+)		
Criteria	(25/25)	
Gravely disabled standard	(10/10)	Yes. N.D. CENT. CODE § 25-03.1-07.
Need for treatment standard	(15/15)	Yes. N.D. CENT. CODE § 25-03.1-02(12)(d)
Citizen's right to petition	(5/5)	
May family member directly petition court for inpatient commitment?	(3/3)	Yes. Any person over 18. N.D. CENT. CODE § 25-03.1.08.
May other lay adult directly petition court for inpatient commitment?	(2/2)	Yes.
Duration	(4/4)	
Allow initial commitment order to exceed 14 days?	(1/1)	Yes. 90 days. N.D. CENT. CODE § 25-03.1-22(1).
Allow initial commitment order to exceed 30 days?	(3/3)	Yes.
Outpatient commitment law (27/34: Grade B)		
Statutory authority for outpatient commitment?	(4/4)	Yes. N.D. CENT. CODE § 25-03.1-02(1).
Criteria sufficiently broad to provide access?	(20/20)	Yes. Shared criteria with inpatient, including need-for-treatment standard well-suited to outpatient. N.D. CENT. CODE § 25-03.1-02(12)(d).
Procedures sufficiently explained to guide practice?	(2/5)	Addresses response to non-compliance. N.D. CENT. CODE § 25-03.1-21(2). Lacks detail on treatment plan, identification of providers, etc.
Allow initial order to exceed 90 days?	(0/2)	No. 90 days. N.D. CENT. CODE § 25-03.1-22(1).
Allow initial order to exceed 180 days?	(0/2)	No.
Allow renewal to exceed 180 days?	(1/1)	Yes. One year. N.D. CENT. CODE § 25-03.1-22.
Emergency Evaluation (12/12: Grade A+)		
Criteria aligned with state commitment standard?	(8/8)	Yes. N.D. CENT. CODE § 25-03.1-25.1.
Citizens' right to petition?	(4/4)	Yes. N.D. CENT. CODE § 25-03.1.08.

USE OF LAWS (7/14): Grade C+		
From North Dakota mental health practitioner sources		
inpatient laws	3/5	In SOME PARTS of the state, inpatient commitments are pursued as warranted on grounds other than imminent risk of violence or suicide. In other parts of the state, such commitments are RARELY OR NEVER pursued.
outpatient laws	2/5	Outpatient commitment is practiced in SOME PARTS of the state, with VARYING frequency.
conditional release	0/2	Conditional release is NOT practiced in the state.
waits for beds	No penalty	Persons admitted to hospitals for mental health treatment are NOT commonly forced to wait for hospital beds to become available.
medication over objection	2-pt bonus	The delay between an involuntary inpatient's refusal of therapeutic medication and the administration of such medication is typically less than one week.