

CONNECTICUT LEGAL RIGHTS PROJECT, INC. (CLRP)

CLRP is a statewide non-profit agency which provides free legal services to low income adults with mental health conditions, who reside in hospitals or the community, on matters related to their treatment, recovery, and civil rights.

CLRP's attorneys and paralegal advocates provide services ranging from brief information and advice to full legal representation with legal problems related to:

- Services and/or treatment from mental health or other providers;
- Enforcement of rights guaranteed by state or federal law, such as due process, non-discrimination and informed consent; and
- Administrative & judicial procedures such as grievances, conservatorships, commitments and medication hearings.
- Social Security Administration appeals.
- Housing advocacy, including eviction defense.

*The information in his flyer is effective as of
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**For more assistance contact
Connecticut Legal Rights
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CONNECTICUT
LEGAL
RIGHTS
PROJECT, INC.

LEGAL STATUS & DISCHARGE RIGHTS



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**LEGAL REPRESENTATION FOR PEOPLE
WITH MENTAL HEALTH CONDITIONS**

WHAT DOES “LEGAL STATUS” MEAN ON A PSYCHIATRIC INPATIENT UNIT?

On a psychiatric inpatient unit, a patient's legal status can be either voluntary, Physician's Emergency Certificate (PEC.), or civilly committed.

WHAT DOES “VOLUNTARY” MEAN AS A LEGAL STATUS?

Voluntary means that a person agrees that he or she could benefit from having treatment for a mental health condition. Essentially, the person agrees to remain inpatient until the doctor states the person is ready for discharge.

CAN VOLUNTARY PATIENTS, LEAVE THE HOSPITAL WHENEVER THEY WANT?

No. Voluntary patients who decide to leave the hospital must provide written notice to the hospital. The notice is usually on a form called “termination of voluntary” that the patient signs and dates. A witness also signs the form.

After receiving notice that the voluntary patient wants to be discharged, the hospital has three days to either discharge the patient or petition the probate court for a civil commitment hearing. The hearing must be held within 15 days.

DISCHARGE RIGHTS ASSOCIATED WITH PHYSICIAN'S EMERGENCY A CERTIFICATE (PEC)

A PEC authorizes a hospital to admit a person for observation for up to 15 days. A patient who wants to challenge the confinement has the right to request a probable cause hearing. This request must be in writing. A probate judge is required to come to the hospital within 72 hours of the request to hold a probable cause hearing. The judge will determine whether the patient will be discharged, or whether the hospital can continue to observe the patient for the time remaining on the PEC. The patient can choose to sign a voluntary. If that happens, the hearing will be cancelled.

WHAT HAPPENS AFTER THE PEC EXPIRES?

On or before the 15th day of a PEC, the hospital must either discharge the patient, or petition the probate court for a commitment hearing. The probate court must schedule the hearing within 10 business days after receiving the petition. The patient has the right to: receive notice of the hearing; to be present at the hearing; to cross-examine witnesses at the hearing; and to have representation by an attorney at the hearing.

The probate court will send two doctors, who are not connected with the petitioning hospital, to examine the patient. The doctors will provide reports to the probate court indicating whether or not they believe the patient is dangerous to himself or herself or others, whether the patient is

gravely disabled, and whether or not a less restrictive alternative is available.

WHAT IS REQUIRED FOR SOMEONE TO BE CIVILLY COMMITTED TO A PSYCHIATRIC HOSPITAL?

In order for a probate court to issue a commitment decree, a judge must find by clear and convincing evidence that the patient:

- 1) has a psychiatric disability; and
- 2) is dangerous to himself or herself or others, or is gravely disabled.

IF SOMEONE IS COMMITTED, WHAT DISCHARGE RIGHTS DO THEY HAVE?

All patients have discharge rights as stated in the Patients' Bill of Rights. This law gives people the right to have an individualized treatment plan that includes a discharge plan. Patients have the right to actively participate in the development of their discharge plan. (See CLRP brochure, “The Patient's Bill of Rights.”)

Call CLRP Toll Free for More Information:

1 (877) 402-2299

