

COUNTY OF LOGAN



MARK A. MCGREW
CIRCUIT CLERK OF LOGAN

ROOM 311 • LOGAN COUNTY COURTHOUSE
LOGAN, WV 25601
(304) 792-8550 MAIN OFFICE
(304) 792-8589 FAX

ATTENTION APPLICANTS:

I HAVE READ AND UNDERSTAND THE APPLICATION FOR INVOLUNTARY CUSTODY
FOR MENTAL HEALTH EXAMINATION.

I UNDERSTAND THAT BY FILING THIS APPLICATION I MAY BE CALLED TO TESTIFY
AT A DETENTION HEARING OR FINAL COMMITMENT HEARING.

I UNDERSTAND THAT IF I AM NOT WILLING TO TESTIFY THIS APPLICATION AND
ALL PROCEEDINGS MAY BE DISMISSED.

DATE _____

PRINTED NAME _____

APPLICANT SIGNATURE _____

LOGAN MINGO AREA MENTAL HEALTH

304-792-7130 EXT. 1005

TO APPLICANT:

IN ORDER TO ASSIST US IN SERVING THE PETITION MORE PROMPTLY, WE NEED THE FOLLOWING INFORMATION:

PHYSICAL DIRECTIONS TO THE RESIDENCE.

COLOR OF HOUSE, TRAILER, OR APARTMENT BUILDING, HOUSE NUMBER IF POSSIBLE.

IF THEY ARE A DRIVER, PLEASE SPECIFY THE MAKE, MODEL AND COLOR OF VEHICLE.

IF THEY CANNOT BE FOUND AT ADDRESS GIVEN, AN ALTERNATIVE PLACE IN WHICH THEY CAN BE FOUND.

DOES THE INDIVIDUAL HAVE ACCESS TO ANY GUNS, KNIVES, ETC.?	YES	NO
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IS IT LIKELY THAT THE INDIVIDUAL WILL BE VIOLENT:	YES	NO
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IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

For Clerk's Use Only

IN RE: INVOLUNTARY HOSPITALIZATION OF _____, RESPONDENT

DATE: _____ CASE NUMBER _____ - MH - _____

If this application is GRANTED, distribute copies of this application and Detention Order (Form INV 4) to: Respondent, Respondent's Attorney, Prosecuting Attorney and the Regional Mental Health Center.

**APPLICATION FOR INVOLUNTARY CUSTODY FOR
MENTAL HEALTH EXAMINATION**

[West Virginia Code: § 27-5-2]

DO NOT USE THIS FORM IF THE PERSON TO BE EXAMINED IS
A JUVENILE OR INCARCERATED IN A JAIL, PRISON, OR OTHER
CORRECTIONAL FACILITY

INSTRUCTIONS TO APPLICANT:

- A. READ THOROUGHLY the IMPORTANT INFORMATION TO APPLICANTS attached.
- B. All information must be printed or typed and be clearly readable.
- C. All information requested must be provided, if known. If unknown, you must state it is unknown.
- D. Any petition and application which does not provide the necessary information, or is unreadable, may be denied. Read and answer all questions carefully.
- E. Attach any documents, photos, emails, police reports, medical records or other such evidence for review and consideration.

1. FULL NAME OF PERSON TO BE EXAMINED [**RESPONDENT**]: _____
Identification Information of Respondent: DATE OF BIRTH ____/____/____; WEIGHT _____;
HAIR COLOR _____; HAIR LENGTH _____;
SEX _____; HEIGHT _____; EYE COLOR _____; RACE _____.
2. RESPONDENT'S LAST KNOWN ADDRESS: _____

RESPONDENT'S TELEPHONE NUMBER: () _____
3. PLACE OF BIRTH [*state or country*]: _____
4. WHERE IS RESPONDENT NOW? PROVIDE ADDRESS: _____

PROVIDE DIRECTIONS IF KNOWN: _____

5. THE RESPONDENT IS:
A. A RESIDENT OF _____ COUNTY, _____ STATE.
B. CURRENTLY PRESENT IN _____ COUNTY, _____ STATE.

6. APPLICANT'S [your] FULL NAME : _____ AGE: _____

7. APPLICANT'S [your] MAILING ADDRESS: _____

APPLICANT'S TELEPHONE NUMBER: WORK: () _____ HOME: () _____

PLEASE PROVIDE A WAY TO CONTACT YOU PENDING THIS APPLICATION PROCESS. THE COURT AND/OR EVALUATOR MUST BE ABLE TO REACH YOU AT ALL TIMES DURING THIS PROCESS. THE HEARING WILL BE HELD AS SOON AS POSSIBLE AFTER THE RESPONDENT IS DETAINED. YOUR FAILURE TO APPEAR AT THE HEARING WILL RESULT IN THE APPLICATION BEING DISMISSED AND THE RESPONDENT BEING RELEASED.

If you do not want the Respondent to have your contact information, you may supply the information separately to the Court.

8. WHAT IS YOUR RELATIONSHIP TO THE RESPONDENT? _____

9. DO YOU BELIEVE THE RESPONDENT IS:

A. ADDICTED TO DRUGS, ALCOHOL AND/OR OTHER SUBSTANCES _____ YES _____ NO

IF YES, EXPLAIN: _____

(Attach additional pages if necessary)

B. MENTALLY ILL _____ YES _____ NO

PLEASE EXPLAIN: _____

(Attach additional pages if necessary)

10. DO YOU BELIEVE THE RESPONDENT, ***BECAUSE OF MENTAL ILLNESS OR SUBSTANCE USE DISORDER***, IS LIKELY TO CAUSE SERIOUS HARM TO:

A. HIM/HER SELF _____ YES _____ NO

PLEASE EXPLAIN: _____

B. OTHER PEOPLE _____ YES _____ NO

(Attach additional pages if necessary)

PLEASE EXPLAIN: _____

11. LIST ANY AND ALL RECENT ACTS WHICH SUPPORT YOUR BELIEF THAT THE RESPONDENT IS LIKELY TO CAUSE SERIOUS HARM TO HIM/HER SELF AND/OR OTHERS. **INCLUDE APPROXIMATE DATE(S) WHEN EACH ACT OCCURRED:**

A. IS RESPONDENT A SUICIDE RISK _____ YES _____ NO _____ UNKNOWN

PLEASE EXPLAIN: _____

B. IS RESPONDENT VIOLENT/HOMICIDAL _____ YES _____ NO _____ UNKNOWN

PLEASE EXPLAIN: _____

C. IS RESPONDENT IN POSSESSION OF WEAPONS? _____ YES _____ NO _____ UNKNOWN

PLEASE IDENTIFY WEAPON(S), INCLUDING ALL FIREARMS: _____

12. LIST THE NAMES AND PHONE NUMBERS OF OTHER PERSONS WHO HAVE SEEN THE BEHAVIOR OR CONDITION OF THE RESPONDENT: _____

IF YOU WANT THESE PEOPLE TO APPEAR AT THE HEARING ON THIS APPLICATION, **YOU** MUST CONTACT THEM DIRECTLY

13. THE RESPONDENT IS CURRENTLY HOSPITALIZED _____ YES _____ NO

PLEASE STATE WHERE HOSPITALIZED AND EXPECTED LENGTH OF STAY IN HOSPITAL: _____

14. THE RESPONDENT HAS BEEN UNDER THE RECENT CARE OF A PHYSICIAN _____ YES _____ NO

IF YES, STATE PHYSICIAN'S NAME, ADDRESS, AND PHONE NUMBER: _____

15. THE RESPONDENT IS IN NEED OF MEDICAL CARE FOR ANY PHYSICAL CONDITION _____ YES _____ NO

IF YES, DESCRIBE THE CONDITION/DISEASE: _____

THE RESPONDENT IS TAKING ANY MEDICATIONS _____ YES _____ NO

IF YES, LIST THE MEDICATIONS AND DOSAGE: _____

16. THE RESPONDENT NEEDS MEDICAL CARE, TREATMENT, OR HOSPITALIZATION THAT **WOULD PREVENT**

EXAMINATION BY A MENTAL HEALTH PROFESSIONAL OR COURT APPEARANCE _____ YES _____ NO

IF YES, PLEASE EXPLAIN: _____

**APPLICANT, REMOVE THIS INFORMATION SHEET FROM APPLICATION
AND KEEP FOR YOUR REFERENCE!**

**IMPORTANT
INFORMATION TO
APPLICANTS with
Form INV 1 Application for
Involuntary Custody for
Mental Health Examination**

**Have you sought crisis intervention
services from your local mental health facility?**

Your local or regional mental health facility may be able to assist in resolving a mental health or addiction problem without the necessity of court intervention. The office of the circuit clerk at your local courthouse and the county sheriff can provide you information on how to contact the mental health facility serving your area, or you can check your local listings.

HAS VOLUNTARY TREATMENT BEEN SOUGHT?

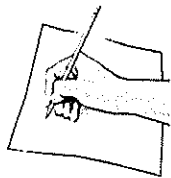
**...is there someone who can help
me with the Application form?**

**If I have trouble reading, is there someone who can
help me with the form?**

Yes, you can ask someone at the regional mental health facility or the office of the circuit clerk to read the form to you. In some areas the offices of the prosecutor or local law enforcement may have someone willing to help you. You may take the form with you to complete and get a friend to read it to you. If time permits you may contact your local library for help. The library has volunteer readers provided by the West Virginia Literacy Commission.

**If I have trouble writing, can someone help me fill in
the form?**

Yes, if you are unable to fill in the form yourself, you may ask someone else to write in the words for you. Ask to have what was written for you read back word-for-word and make any changes you desire before you sign the form before a notary.



What should I put on the form?

You should answer each question on the form completely, truthfully, and in your own words. Only you know whether the information on the form is correct or complete. Remember, providing the court more information is better than not providing enough.

WARNING:

If involuntarily committed, the person against whom you are filing this application, may be:

- (1) prohibited from possessing and receiving firearms and ammunition, in some cases for his or her entire life,
- (2) required to immediately surrender ANY firearms owned or in his or her possession,
- (3) if committed for treatment of mental illness, reported to both federal and state database registries used for firearm purchases and permits/licenses to carry concealed weapons, and
- (4) subject to criminal charges for possession or receipt of firearms or ammunition. Conviction in West Virginia can result in a fine up to \$1,000.00 or jail time of up to one year. Federal conviction is a FELONY and can result in fines and jail time up to TEN years.

Persons seeking voluntary admission for treatment, who have NOT been involuntarily committed, are NOT subject to the above prohibitions.

APPLICANT, REMOVE THIS INFORMATION SHEET FROM APPLICATION AND KEEP FOR YOUR REFERENCE!

Can I add additional pages of information to the form?

Yes, if the space provided is not large enough, feel free to attach additional pages as needed.

Do I have to have the form notarized? No.

Can I talk to the mental hygiene commissioner, judge, or magistrate about this case? Before I file the Application? Anytime outside of court?

No. The judicial officer talks with both parties to a case at the same time, and is required to decline to speak with you or others about the case, except for scheduling matters. The hearing, when all are present, is the proper place for you to speak with the judicial officer.

...what will happen after I file the Application form?

What will happen within the next 24 hours in most cases?

The application will be forwarded to a mental hygiene commissioner, circuit court judge or magistrate who will review it. The judicial officer will either deny it or enter an order to have the person to be examined taken into custody by the sheriff and examined by a physician or other mental health professional. If the examination does NOT reveal substance use disorder and/or addiction or mental illness and likelihood to cause serious harm to self or others resulting from the mental illness or substance use disorder, the individual will be released and the case dismissed.

Otherwise, a probable cause hearing will be held before the judicial officer. In many cases the hearing will be held immediately after the examination. Make sure you are available and have provided information on the application where you can be immediately reached and notified as to where and when the hearing will take place.

What will happen at the probable cause hearing?



What occurs at the hearing may vary, but generally the proceeding will be less formal than most court proceedings.

Probable cause hearings may be held by videoconference, the clerk or crisis worker will provide you with an electronic link to join the hearing. The judicial officer will call upon you to testify under oath. You should be prepared to present and explain what occurred which led you to file the application and the facts you put in the application, especially those which indicate the individual (now called a Respondent) is more likely than not mentally ill or suffers from substance abuse disorder

and is likely to cause serious harm to self or others due to mental illness or substance use disorder. You will also need to have available any other evidence or witnesses you want to present. The Respondent will also be present and have an appointed attorney. You and any witnesses you may call to testify may be asked questions by Respondent's attorney and the judicial officer. You may also ask questions of the Respondent, if he or she testifies, and any other persons testifying for the Respondent. You may question the physician or mental health professional who testifies about the examination made of the Respondent. The judicial officer will make a decision at the end of the hearing.

Does the individual being examined (Respondent) have to testify at the hearing?

No, he or she has the right to remain silent.

Why does the Respondent get an appointed attorney at the hearing?

It is the liberty interests of the Respondent at stake. The Respondent may be forced into treatment in a locked facility against his or her will.

Do I get a lawyer?

The prosecuting attorney or his or her assistant MAY appear at the probable cause hearing, IF the prosecutor deems it in the public interest to be at the hearing. You are not required to have a lawyer at the first hearing. You may contact your local prosecutor if you believe it is in the public interest for an attorney from that office to appear at the probable cause hearing, and wish to discuss this with the prosecutor.



Can I request a delay of the probable cause hearing?

No, only the Respondent has a right to request the hearing be postponed up to 48 hours.

What happens if the judge makes a finding of probable cause at the hearing?

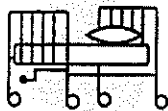
The Respondent will either be placed in a mental health or addiction treatment facility for inpatient treatment for up to a maximum of 35 days before another hearing is held, or may be released immediately or later for outpatient treatment by an agreement for treatment called a Voluntary Treatment Agreement.

Can I or the Respondent pick the treatment facility?

No, unless the Respondent enters into a Voluntary Treatment Agreement approved by the Court.

APPLICANT, REMOVE THIS INFORMATION SHEET FROM APPLICATION AND KEEP FOR YOUR REFERENCE!

Admission for involuntary inpatient treatment can be in facilities throughout the state, depending upon bed space available and the type of treatment needed, including the state psychiatric hospitals in Weston or Huntington. The Respondent will not necessarily be treated in the local community or near home, and will generally be placed at the first available appropriate facility.



...where can I find out more information on my own?

The statutory law on involuntary hospitalization is found in W.Va. Code Chapter 27, Article 5. Helpful definitions are also found in W.Va. Code Chapter 27, Article 1. The West Virginia Supreme Court Law Library has books for research, computers to use, and law librarians that can help you, located in Charleston, WV, phone # 304-558-2607. The Court's library website is: <http://www.courtswv.gov/public-resources/law-library/law-library-home.html>. Be sure to check that any information you obtain is up to date.

How long will the Respondent be hospitalized?

That varies considerably, but is usually very short for inpatient stays. Rarely are Respondents hospitalized for more than a few days. The mental health facility may release the Respondent on convalescent status or as unimproved in certain circumstances. The facility is required to release the Respondent when the individual can no longer benefit from hospitalization or the conditions justifying commitment no longer exist. Voluntary Treatment Agreements for outpatient treatment can last for longer periods of time, but not all Respondents will agree to or can be released to a Voluntary Treatment Agreement. Long-term involuntary inpatient treatment is NOT ordered except where there is a second hearing, called a final commitment hearing, which can only be requested by the mental health facility. Few cases ever reach a second hearing. The maximum inpatient stay is 20 days unless a request is made by the mental health facility for a final commitment hearing.

Involuntary hospitalization is available to protect the community and to protect the individual during crisis periods when the individual is not complying with voluntary treatment; it is not a substitute for needed voluntary community based treatment.

Is the hospitalization and treatment free of cost?

NO! Under West Virginia law the patient may be billed for the costs of treatment. Any insurance of the patient may be billed. The estate of the patient may be billed if deceased or if the patient has a committee or guardian/conservator. If that is insufficient, then the patient's wife or husband may be billed. If the patient is a child, the father and mother may be billed. Inpatient treatment is very expensive, so billings for involuntary treatment can be quite costly.