

FREQUENTLY ASKED QUESTIONS FOR FILERS OF 96 HOUR DETENTION PETITIONS

1. ***My family member suffers from mental illness or alcohol or drug abuse and I'm scared he/she is going to hurt someone or him/herself. Is this the right paperwork to file?***

If it is an emergency, you should call 911 and report the situation. You should specifically request a CIT-trained officer.

If it is not an emergency, this procedure allows a family member or interested party the opportunity to get help for individuals suffering from mental illness or alcohol or drug abuse who will not go to the hospital on his/her own.

2. ***Where can I find the paperwork for filing a 96 Hour Involuntary Hold?***

The packet can be found online – <https://stlcourtscourts.com/forms/probate-forms/96-hour-hold-packet/> - or can be picked up, filled out, and/or filed in person at the Courthouse at 105 South Central Avenue, 5th Floor, Clayton, MO 63105.

3. ***Can the clerk help me complete the paperwork?***

No. Clerks are prohibited from giving legal advice. They can provide basic instructions about the information needed to complete the forms. Before you request information from them, please review this entire document and the checklist for filing.

4. ***Will the Respondent (the person to be evaluated) know who filed the Petition?***

Yes – the Respondent will get a copy of all of the paperwork.

5. ***When/Where can I file a Petition?***

You may file the Petition (and required related paperwork) at the Courthouse. The Probate Court is located on the 5th Floor of 105 South Central Avenue, Clayton, Missouri.

The Court accepts pleadings between the hours of 8:00am and 5:00pm.

PLEASE NOTE: If the Petition packet is received by the Court **after 4:00p.m.** Monday through Friday, the Court cannot take action the same day. The paperwork will be processed by a Clerk (and reviewed by a Judge or Commissioner) the next business day. Therefore, please plan accordingly.

Regardless of when you file (or plan to file) the paperwork, if there is any sort of emergency or urgency, you should contact 911 for immediate assistance.

6. *What happens after I file the Petition?*

If the Petition and required related pleadings are filed with the Probate Court Monday through Friday between the hours of 8:00am and 4:00pm, a Clerk will enter the pleadings into the Court filing system the same business day. Then a Judge or Commissioner will review the Petition (this may occur on the same business day or it may take additional time). If the Petition is complete and meets the statutory requirements, the Court may grant the Petition.

If the Petition is granted, Court staff will prepare the order/warrant as quickly as feasible and deliver those documents to St. Louis County Sheriff's Office for them to transport the Respondent for evaluation. The Sheriff's Office will also fax a copy of the paperwork to the local police. It is important to understand that the officers have **ten (10) days** to attempt to transport the Respondent to the hospital indicated on the paperwork for evaluation.

PLEASE NOTE: The Sheriff's Office stops receiving paperwork for service at 4:45pm on weekdays (and is closed over the weekend) and will not take any action until the following business day.

Again, if there is any sort of emergency or urgency, you should contact 911 for immediate assistance.

7. *What happens once the Respondent is at the hospital?*

Once at the hospital, appropriate hospital staff will evaluate the Respondent. If the hospital staff determines Respondent is NOT suffering from mental illness or alcohol or drug abuse and is not a danger, the hospital can release the Respondent immediately. If the hospital keeps the Respondent, the hospital has 96 hours to treat the Respondent without further Court approval. Once the Respondent is stabilized, the hospital will release the Respondent. If the Respondent still presents as a danger to him or herself as a result of a mental illness at the end of the 96 hours, the hospital may file a petition with the Court for additional treatment and detention.

8. *Will I be able to have contact with the Respondent once at the hospital?*

The hospital will make this decision. The hospital has to abide by the privacy regulations of HIPAA. The Court is not involved in the process once the Respondent is hospitalized unless the hospital finds the need for more time to stabilize the Respondent, at which time the hospital could file a Petition for Additional Detention.

9. *What if the Sheriff or Police cannot find or pick up the Respondent within the allotted time?*

The order/warrant is no longer valid after 10 days. If Respondent's condition persists, a new Petition must be filed with the Court. This is why it is very important that Petitioner provide a good address for the Respondent and (if necessary) assist the Sheriff or other officer in locating the Respondent for transportation.

10. ***What can I do if I'm fearful for myself, my family or the Respondent before officers have picked up the Respondent for transportation to the hospital?***

You should call the Police anytime you feel in danger. You may want to request to speak with a CIT Officer and tell him/her you have completed 96-hour paperwork with the Court OR contact 911 in the event of an emergency.

11. ***Can I call the Court to ask questions once the paperwork has been completed?***

No, because of the confidentiality of these matters, once you have left our office, we cannot acknowledge over the telephone that we have anything on file for Respondent. Petitioners may come back to the Courthouse in person (with identification) for further assistance.