

**CIVIL INVOLUNTARY
COMMITMENT
JURY TRIAL**



R. Trent Pipes
Special Judge
Oklahoma County

Statutory Authority:

- 43A O.S. § 5-415 (OSCN 2025), Involuntary Commitment
- A. Upon receiving a petition alleging a person to be a person requiring treatment, the court shall set a day and time for the hearing
- 1. If the person alleged to be a person requiring treatment does not have an attorney, **the court shall immediately appoint an attorney for the person.**

B. If the court deems it necessary, or if the person alleged to be a person requiring treatment demands, the court shall schedule the hearing on the petition as a jury trial to be held within one hundred twenty (120) hours or five (5) days of the demand, excluding weekends and holidays, or within as much additional time as is requested by the attorney of such person upon good cause shown.

C. The court, at the hearing on the petition, shall determine **by clear and convincing evidence whether the person is a person requiring treatment.**

- 1. The court shall take evidence and make findings of fact concerning the person's competency to consent to or refuse the treatment that may be ordered, including, but not limited to, the consumer's right to refuse medication.

- 3. When the hearing is conducted as a jury trial, the petitioner and any witness on behalf of the petitioner shall be subject to cross-examination by the attorney for the person alleged to be a person requiring treatment. **The person alleged to be a person requiring treatment may also be called as a witness and cross-examined.**

D. After the hearing, when the court determines that the person is not a person requiring treatment, the court shall dismiss the petition and, if the person is being detained, order the person to be discharged from detention.

E. After the hearing, when the court determines the person to be a person requiring treatment, the court shall order the person to receive the least restrictive treatment consistent with the treatment needs of the person and the safety of the person and others.

1. The court shall not order hospitalization without a thorough consideration of available treatment alternatives to hospitalization and may direct the submission of evidence as to the least restrictive treatment alternative or may order a mental health examination.

- much of this evidence will likely come in during the presentation of petitioner's case in chief.
- If not, the court should obtain evidence on these issues.
- The court should make specific findings on the record regarding treatment alternatives and what least restrictive treatment plan will address the needs of the respondent.

Other treatment:

2. If the court finds that a program other than hospitalization is appropriate to meet the treatment needs of the individual and is sufficient to prevent injury to the individual or to others, the court may order the individual to receive whatever treatment other than hospitalization that is appropriate for a period set by the court, during which time the court shall continue its jurisdiction over the individual as a person requiring treatment.

--Again, this should be supported by sufficient evidence and findings.

Treatment Plan

- 3. If the court orders the person to be committed for involuntary inpatient treatment, the court shall commit the person to the custody of the Department of Mental Health and Substance Abuse Services for a placement that is suitable to the person's needs **or** to a private facility willing to accept the person for treatment.

What is the Jury deciding?

- (1) whether the respondent is a mentally ill person; and
- (2) is respondent a person requiring treatment
- 6 person jury- need not be unanimous (5 of 6)
- Clear and convincing evidence burden of proof

Definitions:

A “mentally ill person” is a person who is afflicted with a substantial disorder of thought, mood, perception, psychological orientation or memory that significantly impairs judgment, behavior, capacity to recognize reality or ability to meet the ordinary demands of life.

43A O.S. §1-103(3)

A “person requiring treatment” means:

A person who because of his or her mental illness or drug or alcohol dependency meets at least one of the following:

- (1) poses a substantial risk of immediate physical harm to self as manifested by evidence or serious threats of or attempts at suicide or other significant self-inflicted bodily harm,
- (2) poses a substantial risk of immediate physical harm to another person or persons as manifested by evidence of violent behavior directed toward another person or persons,

- (3) has placed another person or persons in a reasonable fear of violent behavior directed towards such person or persons or serious physical harm to them as manifested by serious and immediate threats,
- (4) is in a condition of severe deterioration that is continuing, as has been observed within the previous seventy-two-hour period such that, without immediate intervention, there exists a substantial risk that severe impairment or injury will result to the person, or
- (5) poses a substantial risk of immediate serious physical injury to self or death as manifested by evidence that the person is unable to provide for and is not providing for his or her basic physical needs.

43A O.S. §1-103(13)

The Jury shall consider, along with any other relevant information:

- (1) the person's history of violence or criminal acts including unadjudicated criminal acts if evidence of the person's culpability is evident or established,
- (2) the person's history of compliance with mental and behavioral health medication and treatment,
- (3) the probability and result of the person's noncompliance with medication and treatment if not committed,
- (4) the consumer's history of using weapons in an illegal or unsafe manner, and
- (5) any previous instances of harm, attempted harm, or threatened harm to self or others.

43A O.S. §1-103(5)(c)

Verdict Form:

VERDICT

WE, THE JURY, impaneled in the above-entitled cause, do upon our oath, find _____, Respondent, is a person requiring Mental Health treatment, as defined in these instructions.

Or

VERDICT

WE, THE JURY, impaneled in the above-entitled cause, do upon our oath, find _____, Respondent, is a person not requiring Mental Health treatment, as defined in these instructions.

Supplemental Materials:

- Opening Jury Instructions
- Closing Jury Instructions
- Verdict Forms
- Jury Discharge Instruction
- Civil Commitment-Order for Admission

Thank you!!

