

## **Vermont**

Vermont, like every state, has its own civil commitment laws that establish criteria for determining when [court-ordered treatment](#) is appropriate for individuals with severe mental illness who are too ill to seek care voluntarily. The state authorizes both inpatient (hospital) and outpatient (community) treatment, which is known in Vermont as "non-hospitalization." It is one of the 27 states whose involuntary treatment standard is based on a person's "need for treatment" rather than only the person's likelihood of being dangerous to self or others.

**For both inpatient and outpatient treatment, a person must meet the following criteria:**

- be a danger to self/others, and
- be a patient who is receiving adequate treatment, and who, if such treatment is discontinued, is likely to deteriorate to the first criteria.

"Danger to others" includes presenting a danger to persons in his/her care.

"Danger to self" can be the inability, without assistance, to satisfy need for nourishment, personal or medical care, shelter, or self-protection and safety, so that probable death, substantial physical bodily injury, serious mental deterioration or physical debilitation or disease will ensue.

**STANDARDS FOR EMERGENCY HOSPITALIZATION FOR EVALUATION**

STATE	RELEVANT CODE SECTIONS	STANDARDS FOR EMERGENCY HOSPITALIZATION FOR EVALUATION (may be termed "hold" "pick-up," "detention," "provisional hospitalization," "72-hour emergency admission" or other, depending on state).
VT	VT. STAT. ANN. tit. 18 § 7504(a) § 7505(a)	<p>A person shall be admitted to a designated hospital for an emergency examination to determine if he or she is a 'person in need of treatment' upon written application ... accompanied by a certificate by a licensed physician who is not the applicant.</p> <p>In emergency circumstances where a certification by a physician is not available without serious and unreasonable delay, and when personal observation of the conduct of a person constitutes reasonable grounds to believe that the person is a person in need of treatment, and he presents an immediate risk of serious injury to himself or others if not restrained, a law enforcement officer or mental health professional may make an application, not accompanied by a physician's certificate, to any district or superior judge for a warrant for an immediate examination.</p>

**STANDARDS FOR INITIATING COURT-ORDERED PSYCHIATRIC EVALUATION**

STATE	RELEVANT CODE SECTIONS	Who Can Initiate Court-Ordered Psychiatric Intervention?
VT	VT. STAT. ANN. tit. 18 § 7612(a) § 7101(9) § 7504(a) § 7505(a)	<p><b>For inpatient or outpatient commitment:</b> An interested party may, by filing a written application, commence proceedings for the involuntary treatment of an individual by judicial process.</p> <p>'Interested party' means a guardian, spouse, parent, adult child, close adult relative, a responsible adult friend or person who has the individual in his charge or care. It also means a mental health professional, a law enforcement officer, a licensed physician, a head of a hospital, a selectman, a town service officer or a town health officer.</p> <p><b>For emergency evaluation:</b> A person shall be admitted ... for an emergency examination ... upon written application by an interested party accompanied by a certificate by a licensed physician who is not the applicant.</p> <p>In emergency circumstances where a certification by a physician is not available ... a law enforcement officer or mental health professional may make an application, not accompanied by a physician's certificate, to any district or superior judge for a warrant for an immediate examination.</p>

## **STATE STANDARDS FOR ASSISTED TREATMENT**

### ***Civil Commitment Criteria for Inpatient or Outpatient Psychiatric Treatment***

**January 2013**

#### **Vermont**

For both inpatient and outpatient commitment ("non-hospitalization"):

VT. STAT. ANN. tit. 18, § 7611. No person may be made subject to involuntary treatment unless he is found to be a person in need of treatment or a patient in need of further treatment.

VT. STAT. ANN. tit. 18, § 7101(17). "A person in need of treatment" means a person who is suffering from mental illness and, as a result of that mental illness, his or her capacity to exercise self-control, judgment, or discretion in the conduct of his or her affairs and social relations is so lessened that he or she poses a danger of harm to himself, to herself, or to others;

(A) A danger of harm to others may be shown by establishing that:

(i) he or she has inflicted or attempted to inflict bodily harm on another; or

(ii) by his or her threats or actions he or she has placed others in reasonable fear of physical harm to themselves; or

(iii) by his or her actions or inactions he or she has presented a danger to persons in his or her care.

(B) A danger of harm to himself or herself may be shown by establishing that:

(i) he or she has threatened or attempted suicide or serious bodily harm; or

(ii) he or she has behaved in such a manner as to indicate that he or she is unable, without supervision and the assistance of others, to satisfy his or her need for nourishment, personal or medical care, shelter, or self-protection and safety, so that it is probable that death, substantial physical bodily injury, serious mental deterioration or serious physical debilitation or disease will ensue unless adequate treatment is afforded.

VT. STAT. ANN. tit. 18, § 7101(16). "A patient in need of further treatment" means:

(A) A person in need of treatment, or

(B) A patient who is receiving adequate treatment, and who, if such treatment is discontinued, presents a substantial probability that in the near future his or her condition will deteriorate and he or she will become a person in need of treatment.

#### **For emergency evaluation:**

VT. STAT. ANN. tit. 18, § 7504(a). A person shall be admitted to a designated hospital for an emergency examination to determine if he or she is a 'person in need of treatment' upon written application ... accompanied by a certificate by a licensed physician who is not the applicant.

VT. STAT. ANN. tit. 18, § 7505(a). In emergency circumstances where a certification by a physician is not available without serious and unreasonable delay, and when personal observation of the conduct of a person constitutes reasonable grounds to believe that the person is a person in need of treatment, and he presents an immediate risk of serious injury to himself or others if not restrained, a law enforcement officer or mental health professional may make an application, not accompanied by a physician's certificate, to any district or superior judge for a warrant for an immediate examination.

**Who may initiate:**

**For inpatient or outpatient commitment:**

VT. STAT. ANN. tit. 18, § 7612(a). An interested party may, by filing a written application, commence proceedings for the involuntary treatment of an individual by judicial process.

VT. STAT. ANN. tit. 18, § 7101(9). 'Interested party' means a guardian, spouse, parent, adult child, close adult relative, a responsible adult friend or person who has the individual in his charge or care. It also means a mental health professional, a law enforcement officer, a licensed physician, a head of a hospital, a selectman, a town service officer or a town health officer.

**For emergency evaluation:**

VT. STAT. ANN. tit. 18, § 7504(a). A person shall be admitted ... for an emergency examination ... upon written application by an interested party accompanied by a certificate by a licensed physician who is not the applicant.

VT. STAT. ANN. tit. 18, § 7505(a). In emergency circumstances where a certification by a physician is not available ... a law enforcement officer or mental health professional may make an application, not accompanied by a physician's certificate, to any district or superior judge for a warrant for an immediate examination.