

MISSISSIPPI ALCOHOL AND DRUG COMMITMENT GUIDE

Mississippi Department of Mental Health Alcohol and Drug Addiction Treatment Admission Process



STEPS FOR ALCOHOL AND DRUG COMMITMENT

- 1 File an affidavit for alcohol and drug commitment in the chancery clerk's office where the person resides or is currently located.

Pay a filing fee up to \$150, including all fees and assessments, to commence the proceeding.*

Under Mississippi state law, no attorney is required for this process.
- 2 The judge will set a date for a hearing, which will be held in no less than 5 days and no more than 20 days.
- 3 The person in need of treatment will be served with a notice of the hearing and a copy of the affidavit no less than 3 days before the hearing.
- 4 If the person does not have an attorney, then the judge will appoint one before the hearing.
- 5 At the hearing, the judge will hear evidence with or without the presence of the person in need of treatment. All interested parties have the right to appear at the hearing and present evidence regarding the need for treatment.
- 6 At his/her discretion, the judge may require the person allegedly in need of treatment to be examined by a physician.

- 7 If the judge finds the person does need treatment, the judge may order that person to the proper state program for a period of not less than 30 days and no more than 90 days. The judge may order commitment to a private treatment facility, if adequate financial arrangements have been made, for a period of no more than eight months, with commitment to an inpatient facility for no more than two months and an outpatient facility for no more than six months, subject to earlier release by the facility.
- 8 The judge may order outpatient treatment as an alternative to inpatient treatment. If the person ordered to outpatient treatment fails or refuses to comply, and that failure is documented with the court by affidavit, a judge may order the person to an inpatient treatment program.
- 9 The person may file a written request for a hearing within 10 days of the commitment order to inpatient treatment.
- 10 DMH Behavioral Health Program: A chancery court sends an individual's required legal documents to the state hospital's admission office. Admissions are scheduled when a bed is available.
- 11 The court will maintain jurisdiction over people committed to both inpatient and outpatient programs for one year after their completion of the ordered treatment programs.

A person can also be referred to a Community Mental Health Center in his or her area for residential treatment.

**The chancery clerk may charge a total filing fee for all services equal to the amount set out in Section 25-7-9(o), and the appropriate state and county assessments as required by law which include, but are not limited to, assessments for the Judicial Operation Fund (Section 25-7-9 (3)(b)); the Electronic Court System Fund (Section 25-7-9 (3)(a)); the Civil Legal Assistance Fund (Section 25-7-9 (1)(k)); the Court Education and Training Fund (Section 37-26-3); State Court Constituent's Fund (Section 37-26-9 (4)); and a reasonable court reporter's fee. Costs incidental to court proceedings as set forth in Section 41-21-79 may not be included as assessments.*

The chancery clerk's office can provide specific eligibility requirements and instructions to file a Pauper's Oath if you are unable to pay the filing fee.

HOW TO GET HELP

Before filing an affidavit for alcohol and drug commitment with the chancery clerk's office, we strongly encourage you to contact your local Community Mental Health Center to learn about services and supports that can help avoid a commitment.

FOR MORE INFORMATION OR TO LOCATE YOUR LOCAL COMMUNITY MENTAL HEALTH CENTER:

Mississippi Department of Mental Health

601.359.1288 | dmh.ms.gov | 24-Hour Helpline 1-877-210-8513

