

Involuntary Hospitalization FAQ

What happens at an involuntary commitment hearing?

For patients admitted to a psychiatric facility, hearings are usually held at the facility with the judge attending via video link. At the hearing, the judge will hear testimony from the attending psychiatrist or another member of the treatment team, the patient or their representative, and the independent examiner. Just as in any other court setting, the patient has the right to appear at the hearing, to testify, to call witnesses, and to cross examine the hospital's witnesses. The court must decide the following based on "clear and convincing" evidence:

- *Does the person have a mental illness?*
- *Does the person's recent actions and behavior show that he or she poses a likelihood of serious harm to self or others?*
- *Is hospitalization the best available means for treatment?*
- *Is the hospital's individual treatment plan satisfactory?*

If the court answers "yes" to all of these questions, it may commit the patient to the hospital for involuntary psychiatric treatment for a period of time not to exceed four months. If the court does not order the patient to be involuntarily committed, the application must be dismissed and the patient discharged if they refuse voluntary treatment.



What happens after a patient is legally committed by the court?

After a legal commitment by the court, the hospital becomes, in effect, the temporary custodian of the patient and must provide psychiatric treatment and act in the patient's best interest. In some cases, the hospital may transfer a patient to a long-term care hospital such as Riverview where they can receive treatment in a more appropriate setting. The hospital also has the responsibility to help the patient develop a safe discharge plan and to discharge the patient once it is determined that they are no longer at risk of hurting themselves or others.

Please Note: After a person has been involuntarily committed at a court hearing, under Federal Law the person is not allowed to own, register, or possess any firearm or ammunition.

Resources for Patients & Families

If you would like more information about patient rights, you can get a copy of the "Rights of Recipients of Mental Health Services" from Maine Behavioral Healthcare or from the Maine Department of Health and Human Services, 41 State House Station #11, Augusta, Maine 04333-0011, Tel: 207-287-4000, TTY: dial 711 (Maine Relay)

Disability Rights Maine

24 Stone Street, STE 204
Augusta, ME 04330
1-800-452-1948 (toll free)

National Alliance on Mental Illness (NAMI)

1 Bangor Street,
Augusta, ME 04333-4701
207-622-5767 | namimaine.org

Maine Crisis Response Services 24-hour hotline

1-888-568-1112 (toll free)

Maine Department of Health and Human Services

41 State House Station #11,
Augusta, Maine 04333-0011





What is involuntary hospitalization?

Involuntary hospitalization is the process by which a person is admitted to a psychiatric hospital or unit against their will.

What is a “blue paper”?

A blue paper is Maine’s application for emergency involuntary admission to a hospital for psychiatric treatment. The blue paper is the initial step in a legal process that protects the rights of patients hospitalized against their will.

Who can request that someone be hospitalized against their will?

Anyone concerned about the safety of a person with a mental illness can start the process. This includes family members and health care providers.

What are the criteria for initiating a blue paper?

A person can be involuntarily hospitalized on a blue paper if the person has a mental illness and, due to that illness, there is:

- a substantial risk of harm to that person or others,
- or*
- a reasonable certainty that the person will suffer severe physical or mental injury or impairment.

How long is a blue paper in effect?

A hospital may keep a patient in the hospital against their will for up to three days from the date of admission (the first day of admission is not counted). If the third day falls on a weekend or holiday, the blue paper is in effect until the next business day. A blue paper may be dismissed and the patient discharged at any time during this period if the patient no longer meets criteria and can be safely discharged. Or the patient may be made voluntary if they agree to accept treatment voluntarily.

What happens after someone starts a blue paper?

Once a blue paper is started, the proposed patient must be examined by a licensed health care provider who will determine if they meet criteria for involuntary hospitalization.

If the provider finds that the person meets criteria, the patient is then hospitalized involuntarily, the provider completes the certifying examination section of the blue paper, and the blue paper is then sent to a judge or justice of the peace for review. The patient’s guardian or next of kin is notified of the involuntary admission.

After the patient has been admitted to a hospital for psychiatric treatment, another licensed health care provider must examine the patient within 24 hours to determine if the patient continues to meet criteria for involuntary hospitalization.

Who pays for services if a patient is blue papered?

Payment is determined by many factors. If a patient has health care insurance, the insurance plan may pay for the stay depending on the specific plan and the coverage it provides. If a patient does not have insurance, the cost may be covered by the State but this must first be reviewed by the State utilization team at the Department of Health and Human Services. In some cases, patients may be billed for their hospital stay.

What rights does a patient have while under a blue paper?

If someone is blue papered, they have the right to notify someone in the community that they are being held at the hospital. Additionally, the hospital is required to provide notification to the patient’s next of kin (if contact information for that person is available). Otherwise, a patient who has been blue papered has the same rights in the hospital as anyone else, as long as these rights can be exercised safely. The blue paper only restricts a person’s ability to leave the hospital.

If someone is admitted to the hospital voluntarily, can they still be blue papered?

If a voluntary patient requests to leave the hospital the staff must complete a safety assessment first. Hospitals have up to 16 hours under Maine law to complete an assessment. If the patient is determined to meet criteria for involuntary admission, then they will be blue papered.

What happens when the blue paper expires?

If the patient continues to meet criteria for involuntary hospitalization, the hospital must submit an application to the court for a hearing in front of a judge. This application is known as a “white paper.” Alternatively, if a determination has been made they no longer pose a substantial risk of harm to themselves or others, the person may be made voluntary or discharged.

What happens after the white paper is filed?

After the white paper is filed, a hearing date is set by the court. The hearing must be held within 14 days of the application (a continuance of up to 21 days is permitted at the request of either the patient or the hospital). The court will notify the patient (and his or her guardian/next of kin) of the hearing date and will appoint an independent examiner to make an assessment of whether or not the patient meets criteria for involuntary commitment in their opinion. The court must also notify the patient of their rights, including the right to hire an attorney (or have the court appoint one) and the right to choose an independent examiner.

Once a white paper has been filed and before the commitment hearing, the patient is under the court’s jurisdiction and may not be discharged without permission from the court. During this time period, the hospital must receive a written order from a judge to dismiss the application before discharging the patient.