

What does “Inability to provide for one’s own basic physical needs so as to guard oneself from serious harm” mean?

The Judge makes that determination. One Illinois Appellate Court said it considers “the following factors: whether he or she can obtain their own food, shelter and medical care; whether he or she has a place to live or a family to assist them; whether he or she can function in society; and whether he or she has an understanding of money and a concept for it as a means of sustenance.”

In re Rovelstad, 281 Ill. App. 3d 956 (2nd Dist. 1996)

How long will the person be hospitalized?

After the petition and certificates have been filed, there will be a court hearing. The Judge or jury will then decide if the person needs to be hospitalized at all. If so, the person will only be there so long as inpatient hospitalization is the least restrictive environment within which to treat the respondent up to a maximum of 90 days..

For further information please contact the Civil Division of the DuPage County State’s Attorney’s Office at:

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A Message From

**Bob
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**DuPage County
State’s Attorney**

Mental illness is a disease — not a crime. Most people with mental illnesses can carry on full, productive lives. They are able to provide for themselves and are not a threat to themselves or to anyone else.

Yet, many mentally ill people wind up in the criminal courts system. If you have a loved one who is suffering from a mental illness and is threatening to do serious physical harm to him or herself or to someone else, you may be able to get them help through the Civil Division of my office. My Assistant State’s Attorneys will work with you to try to get help for the mentally ill person before they have been physically hurt or have physically hurt others.

With your cooperation and early intervention, we may be able to get professional help for those in need and in doing so, help keep them out of the criminal justice system.

The DuPage County State’s
Attorney’s Office

Mental Illness

Answers to Frequently
Asked Questions



**DuPage County
State’s Attorney
Robert B. Berlin**

“Mental Illness is not a crime... but what it can cause may be criminal”

- DuPage County State’s Attorney Robert B. Berlin

What can I do if someone I care for needs help for a mental illness?

If an adult is mentally ill, and as a result, poses an imminent threat of severe physical harm to themselves or others, or is unable to provide for personal needs to protect them from serious harm, then an involuntary commitment may be appropriate. You do not have to wait for actual physical injury, but there must be a recent threat that serious physical harm will soon occur. A different standard is used for treating children. You should contact a mental health professional or my office for more information.

How is a person involuntarily admitted to the hospital?

The process begins with the filing of a petition. Usually it is filled out by the hospital where the family has brought the mentally ill person after a psychological examination.

A petition is a form which may be filled out by anyone who is at least 18 years old and has recently seen the person who is mentally ill.

The petitioner must honestly:

- ⇒ Tell why they think that the person, who is called the “respondent” in the case, is mentally ill;
- ⇒ Describe any acts or significant threats

the respondent has made—including time, date and place where these acts or threats took place;

- ⇒ Give the name and address of the spouse, parent, guardian and a close relative or friend of the respondent (or what was done to try to get the information);
- ⇒ Tell how the petitioner is related to the respondent and whether the petitioner has a legal or financial interest in the matter or is involved in litigation with the respondent; and
- ⇒ List the names, addresses and phone numbers of the witnesses, the illness, threats and/or harm.

(The Mental Health Code, 405 ILCS 5/3-601)

A petition must meet each and every one of these requirements or the Judge can order the respondent (patient) released.

What goes on a certificate and who fills it out?

Certificates are filled out by doctors or other mental health professionals who are designated as “qualified examiners.”

The Mental Health Code says a certificate must show:

1. that the certifier personally examined the respondent;
2. “clinical observations, [and any] other factual information relied upon in reaching a diagnosis”;

3. “the respondent was advised of his or her rights regarding the examination”;
4. “that the respondent is subject to involuntary admission”;
5. that the person “requires immediate hospitalization.”

(The Mental Health Code, 405 ILCS 5/3-602)

In an Emergency...

In cases of emergency, when it is not possible for family and/or friends to get the mentally ill person to a hospital, a Judge may order peace officers to bring the person to a hospital for an examination to determine whether the person will be certified. The State’s Attorney’s office will assist in preparing the petition and conducting the court hearing.

What if a person refuses to take psychotropic medication?

Psychotropic medications are used to treat mental illness. The law allows a Judge to order the person to take the medication. There are very stringent requirements for this and the patient is entitled to a hearing on the matter.

(The Mental Health Code, 405 ILCS 5/2-107.1)