

Title 43a Mental Health

"Mental illness" means 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;

"Mentally incompetent person" means any person who has been adjudicated mentally or legally incompetent by an appropriate district court;

13.

a. "Person requiring treatment" means:

(1) a person who because of a mental illness of the person represents a risk of harm to self or others,

(2) a person who is a drug- or alcohol-dependent person and who as a result of dependency represents a risk of harm to self or others, or

(3) a person who appears to require inpatient treatment:

(a)

(i) for a previously diagnosed history of schizophrenia, bipolar disorder, or major depression with suicidal intent, or

(ii) due to the appearance of symptoms of schizophrenia, bipolar disorder, or major depression with suicidal intent, and

(b) for whom such treatment is reasonably believed will prevent progressively more debilitating mental impairment.

b. Person requiring treatment shall not mean:

(1) a person whose mental processes have been weakened or impaired by reason of advanced years,

(2) a mentally retarded person as defined in Title 10 of the Oklahoma Statutes,

(3) a person with seizure disorder, or

(4) a person with a traumatic brain injury,

unless the person also meets the criteria set forth in subparagraph a of this paragraph;

"Risk of harm to self or others" means:

- a. a substantial risk of physical harm to self as manifested by evidence or serious threats of or attempts at suicide or other self-inflicted or bodily harm,
- b. a substantial risk of physical harm to another person or persons as manifested by evidence of violent behavior directed toward another person or persons,
- c. having 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 threats,
- d. a reasonable certainty that without immediate treatment severe impairment or injury will result to the person alleged to be a person requiring treatment as manifested by the inability of the person to avoid or protect self from such impairment or injury, or
- e. a substantial risk of serious physical impairment or injury to self as manifested by evidence that the person is unable to provide for and is not providing for the basic physical needs of the person and that appropriate provision for those needs cannot be made immediately available in the community.

Mental or legal incompetence - Presumptions.

No person admitted to any facility shall be considered or presumed to be mentally or legally incompetent except those persons who have been determined to be mentally or legally incompetent in separate and independent proceedings of an appropriate district court.

§43A-5-101. Procedures for admission to state facility, psychiatric hospital or private institution.

A. Any person who has a mental illness or is alcohol- or drug-dependent to a degree which warrants inpatient treatment or care, and who is not in confinement in a jail or adult lockup facility on a criminal charge and who has no criminal charges pending against him or her, may be admitted to and confined in a facility within the Department of Mental Health and Substance Abuse Services, a state psychiatric hospital, or a licensed private institution by compliance with any one of the following procedures:

1. Emergency admission;
2. On voluntary application; or

3. On involuntary court commitment.

§43A-5-207. Emergency detention of persons appearing to be mentally ill, alcohol-dependent or drug-dependent - Affidavits - Emergency examination - Request by persons other than peace officer.

A. Any person who appears to be or states that such person is mentally ill, alcohol-dependent, or drug-dependent to a degree that immediate emergency action is necessary may be taken into protective custody and detained as provided pursuant to the provisions of this section. Nothing in this section shall be construed as being in lieu of prosecution under state or local statutes or ordinances relating to public intoxication offenses.

B. Any peace officer who reasonably believes that a person is a person requiring treatment as defined in Section 1-103 of this title shall take the person into protective custody. The officer shall make every reasonable effort to take the person into custody in the least conspicuous manner.

C. The officer shall prepare a written affidavit indicating the basis for the officer's belief that the person is a person requiring treatment and the circumstances under which the officer took the person into protective custody. The officer shall give a copy of the statement to the person or the person's attorney upon the request of either. If the officer does not make the determination to take an individual into protective custody on the basis of the officer's personal observation, the officer shall not be required to prepare a written affidavit. However, the person stating to be mentally ill, alcohol-dependent, or drug-dependent or the person upon whose statement the officer relies shall sign a written statement indicating the basis for such person's belief that the person is a person requiring treatment. Any false statement given to the officer by the person upon whose statement the officer relies shall be a misdemeanor and subject to the sanctions of Title 21 of the Oklahoma Statutes.

D. The officer shall immediately transport the person to the nearest facility designated by the Commissioner of Mental Health and Substance Abuse Services as an appropriate facility for emergency examinations. If, subsequent to an emergency examination, it is determined that emergency detention is warranted, the officer shall transport the person to the nearest facility designated by the Commissioner as appropriate for such detention.

E. The parent, brother or sister who is eighteen (18) years of age or older, child who is eighteen (18) years of age or older, or guardian of the person, or a person who appears to be or states that such person is mentally ill, alcohol-dependent, or drug-dependent to a degree that emergency action is necessary may request the administrator of a facility designated by the Commissioner as an appropriate facility for an emergency examination to conduct an emergency examination to determine whether the condition of the person is such that emergency detention is warranted and, if emergency detention is warranted, to detain said person as provided by this act.

**§43A-5-208. Emergency examination of individuals in protective custody -
Emergency detention.**

A.

1. An individual in protective custody as provided by Section 5-207 of this title shall be subject to an emergency examination at the appropriate facility by a licensed mental health professional within twelve (12) hours of being placed in protective custody for the purpose of determining whether emergency detention of the individual is warranted.

2. If, upon examination, the licensed mental health professional determines that the individual is not a person requiring treatment or that the condition of the individual is such that emergency detention is not warranted, the individual shall be returned by an officer immediately to the point where the individual was taken into protective custody and released or the individual may be taken to the home or residence of that individual or to an alternative facility. If the home or residence of the individual is a nursing home or group home, such home shall not refuse the return of the individual to his or her residence.

3. If, upon examination, the licensed mental health professional determines that the individual is a person requiring treatment to a degree that emergency detention is warranted, the licensed mental health professional shall immediately prepare a statement describing the findings of the examination and stating the basis for the determination, and the person shall be detained in emergency detention for a period not to exceed seventy-two (72) hours, excluding weekends and holidays, except upon a court order authorizing detention pending a hearing on a petition requesting involuntary commitment or treatment.

4. During the emergency detention period:

a. a full examination and evaluation of the person shall be conducted by two licensed mental health professionals and, if the person appears to have a mental illness or be alcohol- or drug-dependent and be a person requiring treatment, the completion of a certificate of evaluation as provided by Section 5-414 of this title, and

b. reasonable efforts shall be made to determine whether the individual has a current and unrevoked advance directive executed pursuant to the Advance Directives for Mental Health Treatment Act.

B. If a licensed mental health professional, designated to have such responsibility by the executive director or person in charge of a hospital, or the executive director or person in charge of a facility designated by the Commissioner of Mental Health and Substance Abuse Services as appropriate for emergency detention believes a voluntary patient to be a person requiring treatment to a degree that emergency action is necessary, the hospital or facility may detain such patient in emergency detention for a period not to exceed

seventy-two (72) hours, excluding weekends and holidays, only on the following conditions:

1. The individual has refused to consent or has withdrawn consent to voluntary treatment;
2. The individual has been examined by a licensed mental health professional who has determined that the individual is a person requiring treatment, the condition of the individual is such that emergency detention is warranted, and a statement has been prepared as provided in subsection A of this section; and
3. The executive director or person in charge or the designee shall provide for a full examination and evaluation of the patient by two licensed mental health professionals and, if the person appears to be a person requiring treatment, the completion of a certificate of evaluation.

C. Whenever it appears that an individual detained as provided by this section is no longer a person requiring treatment and will not require treatment beyond the period of detention, the individual shall be discharged and returned by an officer to the point where the individual was taken into protective custody, or if the individual had not been in protective custody, the individual may be taken to the home or residence of that individual or to an alternative facility. If the home or residence of the individual is a nursing home or group home, it shall not refuse the return of the individual to his or her residence.

D. Whenever it appears that a person detained as provided by this section will require treatment beyond the period of emergency detention and the person has refused to consent to voluntary treatment, a licensed mental health professional conducting an evaluation of the person or the executive director of the facility in which the person is being detained, or the designee of the executive director, shall immediately file a petition or request the district attorney to file a petition with the district court as provided by Section 5-410 of this title or Section 9-102 of this title, and may request a court order directing prehearing detention when such detention is necessary for the protection of the person or others.

§43A-5-209. Additional period of detention - Petition - Order - Notification of interested parties of detention.

A. A person may be detained in emergency detention more than seventy-two (72) hours, excluding weekends and holidays, only if the facility in which the person being detained is presented with a copy of an order of the district court authorizing further detention. Such order may be entered by the court only after a petition has been filed seeking involuntary commitment or treatment pursuant to the provisions of Section 5-410 or 9-102 of this title.

B. If a copy of an order for further detention is not delivered to the facility by the end of the period of emergency detention, the person alleged to be a mentally ill person, an alcohol-dependent person, or a drug-dependent person and a person requiring treatment shall be discharged from the facility in which detained unless said person has applied for voluntary treatment.

C. The person being held in protective custody or emergency detention shall be asked to designate any person whom such person wishes informed regarding the detention. If the person being held in protective custody is incapable of making such designation, the peace officer holding the person in protective custody shall notify within twenty-four (24) hours of taking the person into protective custody, other than the person initiating the request for protective custody, the attorney, parent, spouse, guardian, brother, sister, or child who is at least eighteen (18) years of age of the person. Failure of the sheriff to find such person shall within a reasonable time be reported to the administrator of the facility. Such fact shall be made a part of the records of the facility for the person being detained.

Question Submitted by: The Honorable Brian Renegar, DVM, State Representative, District 17

2008 OK AG 1

Decided: 02/01/2008

Oklahoma Attorney General Opinions

Cite as: 2008 OK AG 1, __ __

¶0 This office has received your request for an official Attorney General Opinion in which you ask, in effect, the following questions:

- 1. Is an emergency order of detention required before a person believed to be in need of mental health care or treatment can be involuntarily admitted to a hospital or other appropriate facility?**
- 2. If not, under current law what is the proper procedure for emergency custody and detention of a person believed to be in need of mental health care or treatment?**
- 3. Who has responsibility for transporting such a person to and from an appropriate care facility, and can the salary or wages of the transporting officer be reimbursed?**

¶1 In essence, you ask for an explanation of the current procedure pertaining to protective custody and emergency detention of a person believed to be in need of mental health care, and whether an emergency order is needed as a condition of involuntary admission of such person to a hospital or other appropriate facility for evaluation and treatment as necessary. Further, you ask who has responsibility for transporting such a person to and from an appropriate facility. To fully answer these questions, a brief summary of the statutory provisions on custody and detention of persons requiring treatment is needed.

Summary of Current Statutes and Procedures

¶2 For purposes of this Opinion, provisions of [43A O.S. 2001 & Supp.2007, §§ 1-101](#) - 12-105 are referred to collectively as the "Mental Health Law."

1. Custody and Emergency Detention

¶3 "Any person who appears to be or states [he or she] is mentally ill, alcohol-dependent, or drug-dependent to a degree that immediate emergency action is necessary may be taken into protective custody and detained" under provisions of the Mental Health Law. [43A O.S. Supp.2007, § 5-207\(A\)](#). A "person requiring treatment" is defined at Section 1-103(13) of Title 43A as a person who has either a mental illness or a drug or alcohol dependency and represents a risk of harm to self or others. The term "risk of harm to self or others" includes someone who, because of mental illness or substance dependency, is unable to attend to his or her own basic physical needs such as food or shelter and who must be attended to in order to avoid serious harm. *Id.* § 1-103(18)(e). The Mental Health Law also refers to a person requiring treatment as a "consumer." *Id.* § 5-208(A)(1).

¶4 Any peace officer who reasonably believes someone is a "person requiring treatment" to a degree that immediate emergency action is necessary, "*shall* take the person into protective

custody" and "shall make every reasonable effort to [do so] in the least conspicuous manner." *Id.* § 5-207(B) (emphasis added).

¶5 When a peace officer takes such a person into protective custody, the officer must prepare a written statement indicating the basis for his or her belief in the need for treatment. *Id.* § 5-207(C). If the peace officer takes someone into protective custody based on the statement of another person, the person making the report must sign a written statement under pain of criminal sanctions. *Id.*

¶6 "If the person is medically stable, the officer shall immediately transport the person to the nearest facility designated by the Commissioner of Mental Health and Substance Abuse Services ["Commissioner"] as an appropriate facility for an initial assessment ["Assessment Facility"]." *Id.* § 5-207(D). If, after an initial assessment by a healthcare professional "it is determined that emergency detention is warranted, the officer shall transport the person to the nearest facility, designated by the Commissioner as appropriate for such detention ["Detention Facility"] that has bed space available." *Id.* § 5-207(D); *see also* [43A O.S. 2001, § 5-206\(2\)](#). The process for designation of an Assessment Facility or a Detention Facility by the Commissioner is found in the Department of Mental Health and Substance Abuse Services ("DMHSAS"), *Emergency Detention and Civil Commitment Manual 2007*, available at <http://www.odmhsas.org/2007Rules/2007%20ED%20Manual.pdf> (to be discussed later). If the director of the facility (which we conclude means either the Assessment Facility or the Detention Facility) determines the person is not medically stable, "the officer shall transport the person to the nearest hospital or other appropriate treatment facility." [43A O.S. Supp.2007, § 5-207\(D\)](#); *see also* [43A O.S. 2001, § 5-206\(2\)](#).

¶7 Once the person is medically stable and is delivered by the officer to the nearest Detention Facility, such facility must conduct an initial assessment (*see* § 5-206(2) defining "initial assessment") within 12 hours to determine if emergency detention of the consumer is warranted. [43A O.S. Supp.2007, § 5-208\(A\)\(1\)](#). If the licensed mental health professional at the facility determines emergency detention is *not* warranted, a peace officer must immediately return the consumer either to his or her home or to the point where he or she was taken into custody. *Id.* § 5-208(A)(2).

¶8 If, upon examination, the healthcare professional at the facility determines that emergency detention *is* warranted, the healthcare professional must "prepare a statement describing the findings of the examination and stating the basis for the determination." *Id.* § 5-208(A)(3). Thereafter, "the consumer shall be detained in emergency detention for a period not to exceed seventy-two (72) hours, excluding weekends and holidays, except upon a court order authorizing detention" for a different period pending a hearing on commitment of such person. *Id.* At this point, the remaining provisions of the Mental Health Law pertaining to involuntary commitment apply. *See, e.g., id.* §§ 5-208(D); 5-410; 5-415.

¶9 The reader is referred to the *Emergency Detention and Civil Commitment Manual 2007* published by DMHSAS [hereinafter *Manual*] for a much more extensive discussion of the emergency custody and detention process. Available at <http://www.odmhsas.org/2007Rules/2007%20ED%20Manual.pdf>. Appendix "D" to the *Manual*, captioned *Flow Chart for Adult ED [emergency detention] Process* is particularly recommended for a birds-eye view of applicable processes and procedures. *Id.* at 42-43.

2. Reimbursement of Transportation Costs

¶10 In Attorney General Opinion 06-29, we discussed procedures for reimbursement of law enforcement agencies or officers for costs incurred in connection with the emergency protective custody and detention process. There, we concluded that Section 1-110 of Title 43A only authorizes DMHSAS to reimburse peace officers for travel expenses incurred in transporting individuals for protective custody, mental health evaluation and emergency detention to the extent authorized by the State Travel Reimbursement Act, [74 O.S. 2001 & Supp.2005, §§ 500.1 - 500.37](#). *Id.* at 196-97. In other words, mileage and other actual incurred transportation expenses may be reimbursed by DMHSAS but not the salary or wages of the officer.

Emergency Detention Orders

¶11 While certain specified paperwork is required in the emergency detention process, we conclude that an order of the court for emergency detention is *not* required as part of the emergency detention process provided for in the Mental Health Law.¹

¶12 Section 5-102 of the Mental Health Law provides:

No person shall be accepted into any facility without the use of the properly executed official forms. The properly executed order to hospitalize or the order of admission shall be full and sufficient authority and protection to the executive director or the person acting as such in the absence of the executive director for receiving and detaining in the hospital the person named on the form.

Id. While the above statute is less than clear as to what "properly executed official forms" are included, the statute makes no reference to a court order. As earlier discussed in this Opinion, an officer taking an individual into protective custody and delivering him or her to a Detention Facility

must, under Section 5-207(C), prepare a written statement indicating the basis for the officer's belief that the person detained is a person requiring treatment and the circumstances under which the officer took the person into protective custody. Our conclusion is that the "official forms" referred to above in Section 5-102, in addition to any hospital admission forms, must include a copy of the signed written statement of the officer delivering the consumer. Other forms, if any, that may be required by DMHSAS or the Commissioner are to be found in the DMHSAS' *Manual*. See *Manual*, Apps. B, F, available at <http://www.odmhsas.org/2007Rules/2007%20ED%20Manual.pdf>. Our research discloses no requirement in the Mental Health Law or other applicable statutes that requires a court hearing be held, or that any court order accompany delivery by a peace officer of a person believed to be in need of treatment *before* such person is held in temporary detention.

¶13 Only after a determination has been made by qualified mental health care professionals at the Detention Facility that the person will require treatment beyond the 72-hour emergency detention period is a petition filed with the district court by the director of the facility or the district attorney for a district court hearing on further detention. [43A O.S. Supp.2007, § 5-208\(D\)](#). However, Section 5-208(A)(3) provides that a "consumer shall be detained in emergency detention for a period not to exceed seventy-two 72 hours . . . except upon a court order authorizing detention pending a hearing on a petition requesting involuntary commitment or treatment." *Id.* Further, under Section 5-209(A), a person may be detained on an emergency basis for longer than 72 hours based on a court order authorizing further detention. We must then examine the circumstances under which such a court order modifying or eliminating the emergency detention period might be issued.

¶14 Under Section 5-410, the following relatives, peace officers or mental health professionals *may* petition the district court to determine whether a person is mentally ill or a person requiring treatment, and for further order requiring the least restrictive appropriate treatment for the individual:

1. The father, mother, husband, wife, brother, sister, guardian or child, over the age of eighteen (18) years, of an individual alleged to be a person requiring treatment;
2. A licensed mental health professional;
3. The executive director of a facility designated by the Commissioner of Mental Health and Substance Abuse Services as appropriate for emergency detention;
4. An administrator of a hospital that is approved by the Joint Commission on Accreditation of Healthcare Organizations;² provided, however, in any involuntary commitment procedure in which a hospital is the petitioner pursuant to the provisions of this section, the hospital may participate in such hearing without retaining their own legal counsel if the hospital provides as a witness a mental health therapist or a licensed mental health professional;
5. A person in charge of any correctional institution;
6. Any peace officer within the county in which the individual alleged to be a person requiring treatment resides or may be found; or
7. The district attorney in whose district the person resides or may be found.

Id. (footnote added). This statute relating to involuntary commitment is found in a different article of the Mental Health Law, and we conclude that while it is related to and referred to in Sections 5-208(C) and 5-209(A), a petition for involuntary commitment under Section 5-410 is *not* the same as an emergency detention, as that term is used in Sections 5-206 - 5-209. For instance, if a family member or private, licensed mental health professional files a petition for involuntary commitment under Section 5-410, law enforcement agencies, peace officers or an administrator of a DMHSAS-approved Detention Facility are not necessarily involved. Further, Section 5-413 provides that a request for prehearing detention may be filed with the involuntary commitment petition, and Section 5-417 provides a partial list of precommitment examination requirements and alternative treatments to be considered by the court. Thus, while a petition *must* be filed by the administrator of a DMHSAS-approved facility pursuant to Section 5-208(C) if the person is found upon examination to require treatment beyond the statutorily allowed 72 hours, such a petition *may* also be filed by other persons not involved in the emergency custody and detention procedures of the Mental Health Law.

¶15 Moreover, a person in custody as a person in need of treatment under the Mental Health Law has a right, pursuant to Section 1-108 to a writ of *habeas corpus* upon proper application, as well as other rights provided under Section 5-411 and other applicable laws. But none of these laws contain a requirement that an "emergency order of detention" of a court exists prior to emergency detention.

¶16 We agree with the author of the Hildebrant Article that there is no such thing as an "EOD" or emergency order of detention. A petition requesting civil involuntary commitment of a person as one who is mentally ill or requiring mental treatment *may* request prehearing detention of that person, but such a court order for prehearing detention is *not* the same thing as an "EOD."

Transportation Duties

¶17 The statutes relating to responsibility of peace officers to transport persons believed to require mental health treatment are definitive. Section 5-207(B) provides that "[a]ny peace officer who reasonably believes that a person is a person requiring [mental health] treatment," or is drug- or alcohol-dependent to a point that emergency action is necessary, *must* take that person into custody. Further, "the officer," which we conclude refers to the officer taking the person into protective custody, is required by Section 5-207(D) to immediately transport the person to the nearest DMHSAS-approved facility for emergency examination.

¶18 Section 5-207(D) continues: "If, subsequent to an initial assessment, it is determined that emergency detention is warranted, the officer shall transport the person to the nearest facility, designated by the [DMHSAS] as appropriate for such detention" *Id.*

¶19 Finally, if a person is taken by a peace officer to a DMHSAS-authorized Detention Facility and it is later determined, after examination by a licensed mental health professional, that the person is *not* mentally ill or drug- or alcohol-dependent to an extent that emergency detention is warranted, "the consumer *shall* either be returned by an officer immediately to the point where the consumer was taken into protective custody and released or taken to the home or residence of such consumer or to an alternative facility." *Id.* § 5-208(A)(2) (emphasis added). Section 1-110(A) specifies "[s]heriffs and peace officers shall be responsible for transporting individuals *to and from* designated sites or facilities for the purpose of examination, emergency detention, protective custody and inpatient services." *Id.* (emphasis added). While the statute does not specify that the peace officer taking the person into protective custody is the one who must return him or her to safe home territory, we conclude the *agency* that is responsible for taking a person into protective custody in the first place has a duty to see the person safely home. *See* Section 1-110(C) that provides:

The law enforcement agency transporting an individual *to and from* designated sites or facilities pursuant to the provisions of this section shall maintain responsibility for the transportation of such individual pending completion of the examination, emergency detention, protective custody and inpatient services.

Id. (emphasis added).

¶20 By statute, "[n]othing in this [Mental Health Law] shall prohibit a law enforcement agency from entering into a lawful agreement with any other law enforcement agency to fulfill the requirements established by [Section 1-110]" with respect to transportation of persons in protective custody. *Id.* § 1-110(F). Thus, we conclude that one law enforcement agency might properly enter into an agreement with another law enforcement agency to transport a person from an Assessment Facility or a Detention Facility back to that person's home once it is determined that emergency protective custody is no longer required.

¶21 It is, therefore, the official Opinion of the Attorney General that:

1. There is no such thing as an "Emergency Detention Order" under Oklahoma law, and no such order is required before a person believed to be in need of mental health treatment can be involuntarily admitted to a hospital or other treatment facility for assessment, temporary detention or treatment. *See* [43A O.S. 2001 & Supp.2007, §§ 5-206 - 5-209](#); Okla. Dep't of Mental Health & Substance Abuse Serv. ("DMHSAS") Emergency Detention and Civil Commitment Manual 2007 *passim* (2007) [hereinafter *Manual*], *available at* <http://www.odmhsas.org/2007Rules/2007%20ED%20Manual.pdf>.

2. The procedures for emergency custody and detention of a person believed to be in need of mental health care or treatment are found at [43A O.S. 2001 & Supp.2007, §§ 1-110; 5-206-5-209; 5-410-420](#); *see also Manual, passim*.

3. The peace officer who reasonably believes a person is in need of mental health treatment is responsible for the transportation of that person *to and from* appropriate care facilities under the Oklahoma Mental Health Law. [43A O.S. Supp.2007, § 1-110\(A\), \(C\)](#). One law enforcement agency may lawfully enter into an agreement with another law enforcement agency to fulfill the requirements established by this section. *Id.* § 1-110(F). However, reimbursement of the peace officer or law enforcement agency by DMHSAS is limited to the reimbursement provided for in the State Travel Reimbursement Act ([74 O.S. 2001 & Supp.2007, §§ 500.1 - 500.37](#)), and may not include reimbursement for wages or salary of the officer or officers involved. *Id.* § 1-110(E); *see* A. G. Opin. 06-29, at 196-97.

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Attorney General of Oklahoma

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Assistant Attorney General

C.

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FOOTNOTES

¹ We agree with the recent article in the *Oklahoma Bar Journal* that there is no longer such a thing as an "EOD" or emergency order of detention. *See* D. Renee Hildebrant, Understanding the Civil Involuntary Commitment Process, 76 OBJ 421 (2005) [hereinafter "Hildebrant Article"], *available at* http://www.okbar.org/obj/articles_05/021205.htm.

² An independent, not-for-profit organization. *See* <http://www.jointcommission.org>.

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Cite Name Level

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Cite Name Level

Title 74. State Government

Cite Name

Level

Cite Name	Level	
74 O.S. 500.1,	Short Title	Discussed
Title 43A. Mental Health		
Cite	Name	Level
43A O.S. 1-110,	Reimbursement of Sheriffs from Department of Mental Health and Substance Abuse Services	Discussed
43A O.S. 1-101,	Mental Health Law.	Cited
43A O.S. 5-206,	Definitions	Discussed at Length
43A O.S. 5-207,	Emergency Detention	Discussed
43A O.S. 5-208,	Examination of Person in Protective Custody	Discussed

DESIGNATED EMERGENCY EXAMINATION AND DETENTION CENTERS

**Oklahoma County
HIGH POINTE HOSPITAL
Examination and detention**

6505 N.E. 50th
Oklahoma City, OK 73141
405-419-1500 / Fax: 405-424-0329

INTEGRIS BAPTIST MEDICAL CENTER

Examination only
3300 N.W. Expressway
Oklahoma City, OK 73112
405-949-3011 / Fax: 405-951-2237

**INTEGRIS SOUTHWEST MEDICAL
CENTER**

Examination only
4401 S. Western
Oklahoma City, OK 73109
405-636-7000 / Fax: 405-636-7702

MERCY HEALTH CENTER

Examination only
4300 W. Memorial Road
Oklahoma City, OK 73120
405-936-5443 / Fax: 405-936-5058

**MIDWEST REGIONAL MEDICAL
CENTER**

Examination and detention
2825 Parklawn Drive
Midwest City, OK 73110
405-610-8275 / Fax: 405-610-1874

**OKLAHOMA COUNTY CRISIS
INTERVENTION CENTER (OCCIC)**

Examination and detention
1200 N.E. 13th Street

P.O. Box 53277
Oklahoma City, OK 73152-3277
405-271-6800 / Fax: 405-271-3554

**RED ROCK BEHAVIORAL HEALTH
SERVICES**

Examination only
4400 N. Lincoln Blvd.
Oklahoma City, OK 73105
405-424-7711 / Fax: 405-425-0343

**RED ROCK BEHAVIORAL HEALTH
SERVICES**

Examination only
2401 N.W. 39th Street
Oklahoma City, OK 73112
405-524-6500 / Fax: 405-425-0343

**ST. ANTHONY HOSPITAL
Examination and detention**

1000 N. Lee
Oklahoma City, OK 73101
405-272-7275

**ST. ANTHONY HOSPITAL
Examination and detention**

St. Michael Campus
2129 S.W. 59th Street
Oklahoma City, OK 73119
405-680-2009 / Fax: 405-680-2892

**UNIVERSITY OF OKLAHOMA MEDICAL
CENTER**

Examination and detention
1200 Everett Drive
Oklahoma City, OK 73104
405-271-5007 / Fax: 405-271-1951

EMERGENCY ORDER OF PROTECTION

<p style="text-align: center;">ORDER OF PROTECTION</p> <p><input type="checkbox"/> Emergency Order <input type="checkbox"/> Alias <input type="checkbox"/> Continued Order</p> <p><input type="checkbox"/> Amended Order</p>	<p style="text-align: center;">District Court of _____ County State of Oklahoma</p> <p style="text-align: center;">Case No. PO- _____</p> <p style="text-align: center;">Court Phone Number (____) _____</p>																																			
<p style="text-align: center;">Petitioner</p> <hr/> <p style="text-align: center;">First Middle Last</p> <p>and/or on behalf of minor family member(s)</p>	<p style="text-align: center;">Additional Petitioner Information</p> <p>Name(s) and age(s) of minor family member(s)</p> <hr/> <hr/>																																			
<p style="text-align: center;">-VS- Defendant(s)</p> <hr/> <p style="text-align: center;">First Middle Last</p> <p>Relationship to Petitioner: _____</p> <p>Defendant's Address: _____</p> <hr/> <hr/>	<p style="text-align: center;">Defendant Identifiers</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <th style="width: 15%;">SEX</th> <th style="width: 15%;">RACE</th> <th style="width: 15%;">DOB</th> <th style="width: 15%;">HT</th> <th style="width: 15%;">WT</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <th>EYES</th> <th>HAIR</th> <th colspan="3">DISTINGUISHING FEATURES</th> </tr> <tr> <td> </td> <td> </td> <td colspan="3"> </td> </tr> <tr> <th colspan="2">DRIVERS LICENSE #</th> <th>STATE</th> <th colspan="2">EXPIRES</th> </tr> <tr> <td colspan="2"> </td> <td> </td> <td colspan="2"> </td> </tr> <tr> <td colspan="5">Other</td> </tr> </table>	SEX	RACE	DOB	HT	WT						EYES	HAIR	DISTINGUISHING FEATURES								DRIVERS LICENSE #		STATE	EXPIRES							Other				
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CAUTION:

(Clerk's File Stamp Below)

- Weapon Involved-Type:
- Weapon Present on Property
- Unknown if Weapon Present

THE COURT FINDS:

That it has jurisdiction over the parties and subject matter, and the Defendant has been or will be provided with reasonable notice and opportunity to be heard. Additional findings of this Order follow on succeeding pages.

THE COURT ORDERS:

The above named Defendant to not commit further acts or threats of abuse.

- The Defendant and Petitioner must appear in the District Court of the above named County on the ___ day of _____, 20__ at ____ AM/PM before Judge _____, in Courtroom # ____.

Additional terms of this Order follow on succeeding pages.

The terms of this Order shall be effective until _____, 20__ at _____ AM/PM

WARNINGS TO DEFENDANT:

This Order shall be enforced, even without registration, by the courts of any state, the District of Columbia, any U.S. Territory, and may be enforced on tribal lands (18 U.S.C. §2265). Crossing state, territorial or tribal boundaries to violate this Order may result in federal imprisonment (18 U.S.C. §2262).

Federal law provides penalties for possessing, transporting, shipping or receiving any firearm or ammunition (18 U.S.C. §922(g)(8)) with penalty up to \$250,000 fine and 10 years in prison.

Only the District Court can change this Order.

EX PARTE TEMPORARY EMERGENCY ORDER OF PROTECTION – Continuation, Page 2 of 2

THE COURT FURTHER ORDERS as specifically marked in check boxes below:

1. Defendant to have **no contact** with Petitioner, either in person or by telephone, at any time or place.
2. Defendant to not abuse, threaten, injure, assault, molest, stalk, harass or otherwise interfere with Petitioner and not damage or injure any property in which Petitioner has any interest.
3. The Court assumes emergency jurisdiction under UCCJEA and orders suspension of child visitation orders due to physical violence or threat of abuse by Defendant or a threat to violate a custody order by Defendant.
4. Defendant to not stalk the Petitioner.
5. Defendant to leave and remain away from the residence located at _____ on or before _____ at ___ AM/PM, and take no action to change utilities or telephone service.
6. If this Order is served at the residence to be vacated, order Law Enforcement Officers to remain at the residence until Defendant removes necessary clothing and personal effects and leaves the premises.
7. Order Defendant who is a minor, to leave the residence located at _____ by immediately placing Defendant in any type of care authorized for children taken into custody pursuant to 10 O.S. §7303-1.1a

Circle Age of Minor Defendant: 13 14 15 16 17

8. IT IS FURTHER ORDERED: _____

IF YOU FAIL TO APPEAR, THIS ORDER MAY BECOME A FINAL PROTECTIVE ORDER WITHOUT FURTHER NOTICE TO YOU AND OTHER RELIEF MAY BE GRANTED.

1. **This Order is effective immediately.**
2. **At the hearing, the judge may assess court costs and attorneys fees for the prevailing party.**

3. In addition to any other penalty specified, the Court may require Defendant to undergo treatment or participate in counseling services necessary to bring about the cessation of domestic abuse against the Petitioner.
4. The filing or non-filing of criminal charges and the prosecution of the case shall not be determined by a person who is protected by this Order, but shall be determined by the District Attorney.
5. No person, including a person who is protected by this Order, may give permission to anyone to ignore or violate any provision of this Order during the time in which this Order is valid. Every provision of this Order is in full force and effect unless a Court changes the Order.
6. This Order shall be in effect for up to three (3) years unless extended, modified, vacated or rescinded by the Court. This Order expires on the date shown on Page 1.
7. A violation of this Order in Oklahoma is punishable by a fine of up to one thousand dollars (\$1,000.00) or up to one (1) year in the county jail, or by both such fine and imprisonment. A violation of this Order which causes injury shall be punishable by twenty (20) days to one (1) year in the county jail or a fine of up to five thousand dollars (\$5,000.00) or by both such fine and imprisonment. Other penalties are provided in other states and for federal violations.
8. Possession of a firearm or ammunition by a Defendant while this Order is in effect, may subject the Defendant to prosecution for a violation of federal law even if this order does not specifically prohibit the Defendant from possessing a firearm or ammunition.
9. This Order complies with the *Violence Against Women Act's* full faith and credit provision (18 U.S.C. §2265) and this Order is enforceable throughout Oklahoma and in all 50 states, U.S. territories, tribal lands and the District of Columbia.

Dated this _____ day of _____, 20_____.

JUDGE OF THE DISTRICT COURT

Official AOC form (Complies with Session Law Ch. 407, 49th Legislative Session effective 11/1/03)
AOC Form 66; Revised 12/0