

## **Title 11 – Involuntary Commitment**

### **Chapter 1. Procedures for the Involuntary**

#### **Sec. 106. Emergency detention.**

(a) Any person who has reason to believe another person is mentally ill and as a result poses an extraordinary danger to his/her own safety or the safety of others may report such person to a law enforcement officer indicating why it is believed that the person is mentally ill or dangerous. A law enforcement officer receiving such a report shall promptly investigate the person alleged to be mentally ill and dangerous.

(b) Whether or not there is a report, a law enforcement officer or Medical Care Provider (physician, nurse practitioner, physician assistant, mental health professional or clinical psychologist) may take into emergency detention any person subject to the jurisdiction of the Court who the officer or Medical Care Provider, following investigation, has probable cause to believe is mentally ill and extraordinarily dangerous to self or others. A law enforcement officer or Medical Care Provider, who takes a person into emergency detention shall immediately make all reasonable efforts to notify the detainee's next of kin. Where possible, such person shall be taken to a health care or treatment facility on the Reservation. Where no on-Reservation treatment facility or health care facility can provide the emergency treatment or protection needed by the detainee to protect him/her from imminent harm, a law enforcement officer or Medical Care Provider may place such person in an appropriate treatment facility off the Reservation. Upon taking a person into emergency detention, the law enforcement officer or Medical Care Provider shall immediately submit an application to the Tribal Court under section 104 of this Chapter. Upon receiving such an application, the Court shall order the prompt examination of the detainee by a psychiatrist, physician, psychologist or other mental health care professional. After receiving an application, the Court shall schedule a hearing to be held immediately if possible and in all cases (a) within 48 hours of the time of detention if the person is being detained on the Reservation and (b)

within 10 days if the person is being detained off the Reservation.

**(AMENDED AS PER RESOLUTION NO. 26-2810-2013-08; DATED 9/26/2013.)**

(c) A person brought to a health care or treatment facility shall immediately be examined by a physician. If the physician determines that in his/her professional opinion such person is mentally ill and dangerous, such person shall be admitted to the facility. Otherwise, such person shall be released and transported home. The administrator shall as soon as practicable notify the Court of the admission or release of any respondent, and submit a report to the Court giving his/her reasons, to the extent possible, as to why he/she believes the detainee is or is not a mentally ill person and dangerous.