

Idaho Civil Commitment Laws

The Treatment Advocacy Center (TAC) ranked Idaho's civil commitment laws, which earned a B grade, 17th in the nation.

The following represent deficiencies in the state's civil commitment laws according to TAC's standards:

COMMITMENT INITIATION

- Currently, only a peace officer or qualifying members of medical staff can initiate an emergency evaluation, per Idaho Code §66-326.
 - A peace officer can detain an individual at a hospital prior to receiving a court order, or a qualifying medical staff member may require an individual already at the hospital to be held pending an emergency court order.
- This means that families or other responsible adults do have indirect access to emergency commitment but must involve a peace officer or persuade the individual in crisis to admit themselves voluntarily to a hospital.
- However, TAC recommends that family or enumerated adults—or any responsible adult—can directly file an emergency court order for involuntary commitment.

QUALITY OF EMERGENCY PETITION PROCESS

- TAC demerits Idaho's civil commitment standard because it requires certification by more than one professional. Under TAC's standards, a judge with independent authority to make a determination would review the petition.
- Under Idaho law, a court-designated examiner must conclude that the individual requires involuntary commitment after the judge has ruled in favor of the petition. This would be the case even if a hospital's presiding physician had already made that determination and initiated the petition procedure.

THE BOTTOM LINE:

Involuntary civil commitment is a powerful tool for improving public safety, but TAC's findings demonstrate that its potential efficacy is constrained in Idaho. Private citizens close to an individual in crisis often know that individual's needs better than peace officers or medical staff, and so the state should allow any concerned adult—including social workers—familiar with an individual to petition for emergency evaluation. Furthermore, Idaho's requirement that an examiner concur with a judge's findings is redundant and inefficient. Professional physicians already determine an individual's status upon intake, and additional evaluation by a court-designated examiner only bloats the administrative process.