



# INVOLUNTARY COMMITMENT FOR SUBSTANCE USE DISORDER IN WV

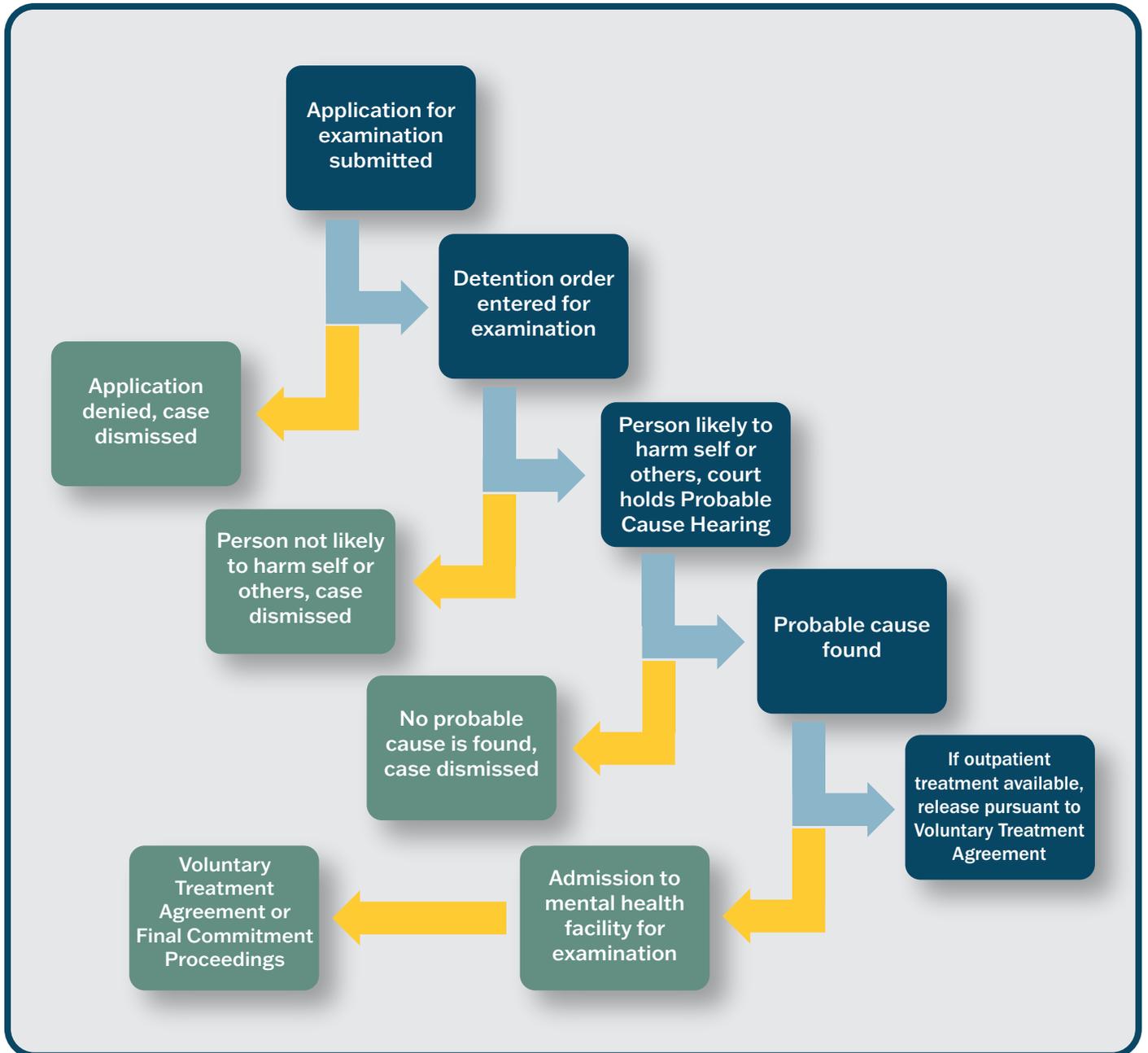
W. VA. CODE §27-5-2

<b>Who can submit the application?</b>	Any adult, unless the individual to be examined is incarcerated.
<b>Why submit?</b>	The person who may be involuntarily committed has a substance use disorder (SUD) and because of his or her substance use disorder is likely to cause serious harm to himself, herself, or to others, if allowed to remain at liberty while awaiting examination.
<b>How do you submit an application?</b>	<ul style="list-style-type: none"><li>• Complete the form: <a href="http://www.courtswv.gov/sites/default/pubfiles/mnt/2023-10/INV1-ApplicationInvolCustodyForMentalHealthExam.pdf">www.courtswv.gov/sites/default/pubfiles/mnt/2023-10/INV1-ApplicationInvolCustodyForMentalHealthExam.pdf</a></li><li>• File with the circuit court, magistrate court, or a mental hygiene commissioner in the county where the individual to be examined resides, or in which he or she may be found.</li></ul>
<b>What happens after the application is submitted?</b>	<ul style="list-style-type: none"><li>• The judge or mental hygiene commissioner will enter a detention order to obtain the individual for an examination.</li><li>• Probable cause and evidence of an SUD must be established or the matter will be dismissed. Therefore, the court will hold a probable cause hearing.</li></ul>
<b>What happens if the court finds probable cause?</b>	<ul style="list-style-type: none"><li>• Admission to mental health facility for examination until final commitment proceedings.</li><li>• Voluntary treatment agreement if outpatient treatment is viable.</li></ul>
<b>How can an individual get a voluntary treatment agreement?</b>	A voluntary treatment agreement must be in writing and approved by the individual, their counsel, and the court. If the court finds that appropriate outpatient services are available, the individual may be released to outpatient treatment.
<b>How long?</b>	Up to six months, unless the person has previously been involuntarily committed in the last two years. In that case, the voluntary treatment agreement may be for up to two years.
<b>What happens if the individual violates the voluntary treatment agreement?</b>	Violation is evidence that outpatient treatment is insufficient and the judge may order involuntary hospitalization.



# INVOLUNTARY COMMITMENT PROCESS

W. VA. CODE §27-5-2



[dhhr.wv.gov/office-of-drug-control-policy](http://dhhr.wv.gov/office-of-drug-control-policy)