

# Outline of Involuntary Commitments

*Presented as a public service by:*

**Keith Wood, Judge  
John Cline, Assoc. Judge**

**Cherokee County Probate Court  
90 North Street, Suite 340  
Cherokee County Justice Center  
Canton, Georgia 30114**

**Take exit 19 off of I-575; then Hwy. 20 West into Canton**

**24 hour information line: 770/704-2610  
Main office number: 678/493-6160**



This informational brochure is not intended  
to be used as legal advice.  
Please consult with your attorney.

## **Emergency Evaluations**

### **Who:**

A patient who is in danger of harming him or herself or others and should be taken to an “emergency receiving facility” to be evaluated by a professional.

### **What is filed:**

Affidavit signed under oath by two persons.

### **When:**

Within **48 hours** of having physically observed the patient in this condition.

### **Where:**

Probate Court with informal, *ex parte* hearing.

### **How:**

By filing documents and answering questions by the Court concerning the Patient.

### **Why:**

Evaluation of the individual. Following evaluation and based on a determination of need, other services may be available at the direction of medical professionals.

### **How long:**

Apprehension must occur within 7 days; the emergency receiving facility may keep a patient up to 72 hours for evaluation; length of stay thereafter, if any, is in the discretion of the facility.

### **Others with commitment authority:**

- Certain health professionals who actually evaluate the patient.
- Law enforcement personnel who observe a crime has been or is being committed.

## **Outpatient Commitment**

### **Who:**

Patient who is noncompliant with medical orders and would benefit from a program requiring outpatient medical treatment and the agency is able to devise and carry out a plan for the patient.

### **What is filed:**

Petition by a local mental health agency, along with an evaluation and treatment plan the agency proposes to carry out.

### **When:**

At the agency’s discretion and willingness to do so.

### **Where:**

Probate Court, which schedules a hearing based on due process.

### **How filed:**

Sworn petition, no filing fees are required, an attorney is appointed to represent the patient, notice of the hearing and rights is given.

### **Why:**

To enable the patient to approach “normalcy,” even hold employment.

### **How long:**

Order is good for one year; can be renewed.

### **Others with authority to file:**

Private institutions which are willing to carry out the plan.