

COSTS:

Judicial Commitment and Interdiction are serious and potentially expensive procedures.

The cost to pay for the expert witnesses may vary.

If the person to be committed or interdicted does not get an attorney to represent him, you must petition the court to appoint an attorney for him. The attorney appointed by the court must be paid a fee which will be at least \$100. To file a petition for interdiction you must pay a deposit to the court that will be at least \$150.

Each time papers are filed, the clerk of court may require an additional deposit. The total court costs will be higher if the person being sued decides to fight the interdiction or commitment

If the Court does not grant the interdiction, it will order you to pay the court costs. If the Court grants the interdiction, the interdicted person will be responsible for the costs.

Because of these costs you should seriously consider all available alternatives to interdiction or commitment.

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COMMITMENT & INTERDICTION



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This brochure, prepared by Acadiana Legal Service Corporation, is intended to inform and provide general information, not to advise. If you have a specific legal problem you should not try to apply or interpret the law without the aid of a licensed attorney who knows the facts because the facts may change the application of the law.

JUDICIAL COMMITMENT:

Judicial Commitment is the process by which an individual is ordered by a court to receive treatment in a specific facility or location.

Commitment lasts only until the mental illness or substance abuse causing the person to be dangerous has ended. Once the court decides that the person is no longer a danger, they are released. As long as the person is in a treatment facility and is a danger to himself or others, he will not be released.

PROCESS:

A court proceeding is needed to have a judge order a Judicial Commitment. The person bringing the lawsuit must prove that the person to be committed is mentally ill and dangerous or gravely disabled.

At the hearing, you will need to have an expert witness (usually a physician who is familiar with the person's condition) tell the judge about that person's condition and status.

If the judge is convinced that the person is dangerous to himself or others he may issue an order that law enforcement pick up the person and bring them to a treatment facility. There the person will be examined, and if the doctors decide that he is dangerous, he will be hospitalized for treatment.

ALTERNATIVES

Social Security

There are alternatives to judicial commitment. If the person you think needs to be committed is receiving Social Security benefits, you may contact his worker at the Social Security Office and let the worker know about his condition and your desire to have him placed in a treatment facility.

Social Security may then have him examined by one of its physicians. If the doctor feels the person needs to be placed in a hospital, they can have him admitted and use his Social Security benefits to pay for the hospital stay.

Family Physician

Any doctor can have someone committed if the doctor decides that person is in need of care. Explain to your doctor the problems the person is having and tell the doctor of your desire for a commitment. If he feels hospitalization is called for, he can issue a **Physician's Emergency Certificate (PEC)** that will instruct a law enforcement officer to have the person picked up and placed in a hospital. A PEC may be in effect for fourteen days.

At the end of the fourteen day period, a doctor at the treatment facility will re-examine the person to see if he is fit to be released. As long as the doctor feels the person is in need of care, the hospital stay will continue.

Sometimes, the person is released if the facility lacks adequate space to keep the person past the fourteen day period and there are others in more need of hospitalization.

INTERDICTION

Interdiction is a process that deprives a person of some or all of their rights. This includes the right to vote, marry, decide where to live, what doctor to see, etc.

Interdiction requires more than merely making decisions with which you might disagree. The person must be so ill or impaired that they can no longer make reasoned decisions on a regular basis.

PROCESS:

In order to protect the rights of the person to be interdicted, the court will require testimony from his doctor concerning the condition of the person to be interdicted and the reasons why that person must be interdicted.

Usually a written report is submitted to the court with the petition for interdiction. The court may also require that the doctor come to court to give testimony and be questioned by the attorney for the person to be interdicted.

If the court decides that the person should be interdicted it appoints a Curator. The Curator then will make decisions for the person interdicted, about whatever rights the court has decided need to be taken away. The court also appoints an Undercurator to assist the Curator in this decision making.