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Mental Hygiene Warrant New York City

What is a mental hygiene warrant?

A mental hygiene warrant is a civil legal mechanism a family member can use to petition the court to have their loved one psychiatrically evaluated. It is also known as an "Involuntary Psychiatric Evaluation". It is authorized under section 9.43 of the Mental Hygiene Law in New York State. It may be appropriate to pursue a mental hygiene warrant when other attempts to intervene in the person's care have not been successful.

Why would I pursue a mental hygiene warrant instead of calling 911?

If you feel that your loved one presents an imminent danger to themselves or others, it may be in the best interest of all involved to call 911 and report the situation as a psychiatric emergency. When you call 911 to report a psychiatric emergency, police and an EMT team will go to the scene of the emergency to assess the situation and determine whether the person in question should be involuntarily transported to a hospital. Some families have tried this route, only to find that their loved one presented without acute and obvious symptoms when the police arrived, and no further action was taken.

When you petition the court for a mental hygiene warrant, it gives **you** -- the family member -- an opportunity to provide more information to a judge -- information that is nuanced and detailed and reflects your experience of your loved one's psychiatric condition over a period of a week or longer. Your report gives a judge an **outside perspective** of the person in question and provides more information than the police could gather when they respond to a psychiatric emergency through 911.

How can a family member initiate this process?

If you choose to pursue a mental hygiene warrant, you will be asked to write a statement explaining who you are seeking the warrant for and the reasons why. If possible, you should also submit as much evidence as possible. In your statement, it is important to focus on the behaviors that you have witnessed or heard.

If after reading your statement the judge determines that you have provided convincing evidence that your loved one may be a danger to themselves or others, s/he will grant a mental hygiene warrant. **It is important to note that a warrant does not guarantee that your loved one will be admitted to a hospital for treatment.** Rather, a mental hygiene warrant can force your loved one to come to the court to participate in a hearing. The purpose of the hearing is to determine if they should be transported to a hospital for further psychiatric evaluation or released.

Where would a family member go to initiate this process?

A family member can initiate this process at the county supreme court (civil term) **in the borough where their loved one resides**. Each borough has slightly different procedures that are specific to that borough. It is therefore wise to call the court in your loved one's borough to determine the days, times, and specific procedures for submitting a petition in that borough.

Brooklyn: Supreme Court, Civil Term, Civil Commitments - 347-296-1757

Bronx Civil Supreme Court - Legal Support Bureau - (718) 618-1380

New York County (Manhattan) Supreme Court, Civil Branch (646) 386-3125
handled by the Ex Parte Office at 60 Centre Street, Room 315

Queens Supreme Court, Civil Term, Mental Health Part - 718-298-1021

Staten Island Supreme Court, Civil Term: 718-675-8700

What happens when a mental hygiene warrant is granted?

If the judge grants a mental hygiene warrant, the petitioner must bring the warrant to the Sheriff's Department in that borough and coordinate with the Sheriff regarding where and when the warrant will be executed. This will sometimes involve the Sheriff placing the individual in handcuffs and transporting them to the court where the hearing will be held. **It is important to note that a mental hygiene warrant is not a criminal warrant. Rather, a mental hygiene warrant is adjudicated in civil supreme court and is a civil matter and NOT a criminal matter.**

When your loved one appears in court, they will be assigned a Mental Hygiene Legal Services attorney for the court hearing. As the petitioner, you will be asked to testify at the hearing. At the conclusion of the hearing, the judge will determine if your loved one should be released or sent to a local hospital for a psychiatric evaluation.

If a psychiatric evaluation is ordered by the judge, the Sheriff will transport your loved one to a local hospital for the examination. Once brought to the hospital, the court is no longer involved in the matter. From that point forward, all decisions about care, treatment, release, or admission will be determined by the hospital.

What if my loved one is not home when the Sheriff comes to their home?

It's also important to note that a mental health warrant is active for a 30-day period. If the sheriff is unable to locate your loved one, or they are not home at the time they come, the sheriff will come back.

What are the benefits of a mental hygiene warrant?

If calling 911 to get your loved one needed psychiatric care has not worked, a mental hygiene warrant may enable your loved one to at least be *evaluated by a mental health professional*. If this has not been possible through other means, this mechanism be helpful. For some families, a mental hygiene warrant has been useful, when calling 911 has not.

What are the pitfalls of a mental hygiene warrant?

If your loved one is ordered to receive a psychiatric evaluation at the hospital, they may or may not be admitted. It will be up to the professionals evaluating your loved one to determine if an involuntary psychiatric hospitalization is necessary. While your loved one may be very ill, there is a high bar one must meet to be forced into treatment. In addition, it is important to consider the impact of your action on your relationship with your loved one. Initiating a process to force a loved one into treatment may be necessary. On the other hand, it could create a lasting rift in your relationship. Only you can decide what is the right course of action for the situation at hand.

It is especially important to note that forced treatment should be a solution of last resort. It is always best to work with your family member to help them seek and accept treatment **voluntarily**.

About NAMI-NYC

At the National Alliance on Mental Illness of New York City (NAMI-NYC), we assist thousands of families and individuals affected by mental illness annually through free education, support, and advocacy.

NAMI-NYC offers [mental health classes](#), [support and social groups](#), [family mentoring](#), and a [Helpline](#) with translation services in 180+ languages. Our support services are free regardless of income, insurance, or immigration status. Contact our Helpline M-F from 10am to 6pm and we'll connect you to NAMI-NYC services or provide you with community resources that can help you take the next step in your journey.

Phone: 212-684-3264

Text: 212-684-3264 (same as phone number)

Chat with us through our website: <https://naminycmetro.org/helpline/>