

A.C.A. § 20-47-210

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\*\*\* CURRENT THROUGH THE 2010 FISCAL SESSION AND UPDATES \*\*\*  
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Title 20 Public Health And Welfare  
Subtitle 3. Mental Health  
Chapter 47 Treatment of the Mentally Ill  
Subchapter 2 -- Commitment and Treatment

A.C.A. § 20-47-210 (2011)

**20-47-210. Immediate confinement -- Initial evaluation and treatment.**

(a) Whenever it appears that a person is of danger to himself or herself or others, as defined in § 20-47-207, and immediate confinement appears necessary to avoid harm to the person or others:

(1) An interested citizen may take the person to a hospital or to a receiving facility or program. If no other safe means of transporting the individual is available, it shall be the responsibility of the law enforcement agency that exercises jurisdiction at the site where the individual is physically located and requiring transportation, or unless otherwise ordered by the judge. A petition, as provided in § 20-47-207, shall be filed in the probate court of the county in which the person resides or is detained within seventy-two (72) hours, excluding weekends and holidays, and a hearing, as provided in § 20-47-209(a)(1) shall be held; or

(2) Any person filing a petition for involuntary admission may append to the petition a request for immediate confinement which shall state with particularity facts personally known to the affiant which establish reasonable cause to believe that the person sought to be involuntarily admitted is in imminent danger of death or serious bodily harm or that the lives of others are in imminent danger of death or serious bodily harm due to the mental state of the person sought to be involuntarily admitted.

(b) (1) When a petition for involuntary admission with a request for immediate confinement appended thereto is filed, the petitioner shall then appear before a probate judge of the county where the person sought to be immediately confined resides or is found.

(2) The probate judge shall then conduct an ex parte hearing for the purpose of determining whether there is reasonable cause to believe that the person meets the criteria for involuntary admission and, furthermore, that the person is in imminent danger of death or serious bodily harm or that others are in danger of death or serious bodily harm due to the mental condition of the person sought to be involuntarily admitted.

(3) If the probate judge determines that immediate confinement is necessary to prevent death or serious bodily harm to either the person sought to be involuntarily admitted or to

others, the judge shall order the law enforcement agency that exercises jurisdiction at the site where the individual is physically present to transport the individual to an appropriate receiving facility. A hearing, as provided for in § 20-47-209(a)(1), shall be held within seventy-two (72) hours of the person's detention and confinement.

**(c)** If the person is transported to a hospital or to a receiving facility or program or to the office of a licensed physician of the State of Arkansas or of the federal government, either salaried or self-employed, for purposes of initial evaluation and treatment, then the hospital or receiving facility or program or physician may detain the person for initial evaluation and treatment provided:

**(1)** The person is immediately advised of his or her rights as provided in § 20-47-211; and

**(2)** The person is determined by the treatment staff of the hospital or receiving facility or program or by the physician to be of danger to himself or herself or others as defined in § **20-47-207**; and

**(3)** A hearing pursuant to § 20-47-209(a)(1) is held within the specified time period.

**(d)** Nothing herein shall prevent the person so detained from being released sooner than the period specified in § 20-47-205 if in the judgment of the treatment staff of the hospital or the receiving facility or of the treating physician the person does not require further mental health treatment. The court shall be immediately advised in writing of the release and shall dismiss the action.