

Writing an Affidavit for Commitment or Revocation

How is an Affidavit for an ITA Commitment written?

The purpose of the affidavit is to provide supporting evidence as to why the person in question, called the “respondent”, should be considered for involuntary psychiatric hospitalization.

The person writing the affidavit should be willing to testify to its content in court, in front of the commissioner/judge and the respondent. There are three necessary components of the detention of a respondent.

1. History of a mental illness or chemical dependency, which is causing the current crisis.
2. Evidence of imminent danger (danger to self, danger to others, or grave disability-inability to care for basic health and safety resulting in some form of imminent danger).
3. Less restrictive alternatives to hospitalization have been attempted and have failed.

What should the Affidavit for ITA Commitment include?

1. **Who you are** -- state your name and relationship to the respondent.
“I am (R’s) case manager and have been working with her for 6 months”.
2. **Your concerns** – include how you are involved in the present situation.
“I’ve been concerned as (R’s) has not come to her case management appointments for several weeks and I have been receiving phone calls from her landlord that she has been “up all night and screaming nonsense’.”
3. **Descriptions of the incidents and/or observations, which provide evidence.**
“ I went to (R’s) home today and found her to be disoriented and responding to voices. She did not appear to be cleaning herself or her home; there was rotten food on the counter and soiled clothing on the floor.” “(R) stated she ‘needs a gun’ she ‘just wants to die’.”
4. **What less restrictive options have been tried.**
“I have been to the home several times to offer help, but she just screams for me to leave.”

“I have made appointments with (R’s) psychiatrist, we have tried various medications, and we placed her at Crisis Respite, nothing has helped at this point”.

How is an Affidavit for revocation of a Less Restrictive Order (LRO) different?

1. **State the specific conditions of the LRO that the respondent is in violation of.**
“R has missed 2 appointments with me and has been smoking crack cocaine.”

AND/OR

2. **State the current specific symptoms that show substantial deterioration** – use mental status descriptors.

“When talking with my client today, she appeared to be responding to voices and kept saying ‘they say I am going to hell if I talk anymore’.”

AND/OR

3. State specific observed behaviors or statements made that indicate an increased likelihood of serious harm.

“When I arrived at my client’s home she was yelling at her roommate, telling her she was ‘the devil’ and was holding a large stick – she has attacked others in the past when she is psychotic.”

AND

4. State why the respondent should be placed in an involuntary treatment facility.

Things to mention may include:

- a. The need for stabilization.
- b. The current level of noncompliance with treatment recommendations.
- c. The increased likelihood of serious harm.
- d. The history of the respondent including prior hospitalizations, patterns of decompensation, and refractory responses to treatment.
- e. The extent of current concerns about the respondent’s impaired ability to engage in outpatient treatment at this time.
- f. A description of the psychiatric needs of the respondent that requires that they be in the hospital.
- g. That the respondent has not accepted treatment recommendations or denies the need for services and cannot, or will not, comply with care.

What else might be important?

Limit your comments to things that you have personally observed. The court will not allow hearsay evidence. If you have information from someone else, ask them to submit an affidavit themselves.

Information should be current – only recent behavior will be considered relevant by the court. While history is important (including recent decompensation) relay only as it pertains to the current situation.

Write legibly in ink or type your affidavit. Use single spacing. Draw a line through corrections and initial. Do not use white out.

Remember to sign and date the affidavit and include a phone number where you can be reached.