

INVOLUNTARY TREATMENT FOR ALCOHOL OR DRUG ABUSE

Effective March 22, 2012, the Probate Court is authorized to order involuntary treatment for a person suffering from alcohol or other drug abuse. Before ordering such treatment, the court must hold a hearing and find that the person presents an imminent danger or threat to self, family or others and that the person can reasonably benefit from treatment (Ohio Revised Code 5119.92).

Any spouse, relative or guardian may file a petition with the court seeking to require involuntary treatment for alcohol or drug abuse. The petition must be accompanied by a physician's certificate confirming that the person for whom court ordered treatment is being sought has been examined within two days prior to the filing of the petition and setting forth the physician's findings in support of the need for treatment. The physician's certificate must also indicate whether the person for whom court ordered treatment is sought presents an imminent threat of danger to self, family or others. The physician's certificate is required to be filed with the petition unless the person for whom court ordered treatment is sought has refused all requests to undergo a physician's examination. The petition must also be accompanied by a statement from the person or facility who has agreed to provide the treatment verifying that the person or facility has agreed to provide the treatment and the estimated cost of the treatment.

Along with the petition, the person filing must deposit with the court the amount equal to one-half (1/2) of the estimated cost of the treatment and a written guarantee to pay all costs associated with the proceedings and all costs for any treatment ordered by the court.

After a hearing, the court may order drug and alcohol treatment if it finds by clear and convincing evidence that the person for whom court ordered treatment is sought may reasonably benefit from treatment.