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Emergency Detention of a Person with a Mental Illness or Serious Emotional Disturbance

Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

Sincerely,

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Table of Contents

Emergency Detention of a Person with a Mental Illness or Serious Emotional Disturbance	3
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Reference Number: CTAS-2140

T.C.A. 33-6-401 (as amended by Public Acts 2000, Chapter 947, section 1) permits for emergency detention: IF AND ONLY IF **(1)** a person has a mental illness or serious emotional disturbance, AND **(2)** the person poses an immediate substantial likelihood of serious harm under § 33-6-501 because of the mental illness or serious emotional disturbance, THEN **(3)** the person may be detained under § 33-6-402 to obtain examination for certification of need for care and treatment.

T.C.A. 33-6-402 (as amended by Public Acts 2000, Chapter 947, Section 1) states that if an officer authorized to make arrests in the state, a licensed physician, a psychologist authorized under § 33-6-427(a), or a professional designated by the commissioner under § 33-6-427(b) has reason to believe that a person is subject to detention under § 33-6-401, then the officer, physician, psychologist, or designated professional may take the person into custody without a civil order or warrant for immediate examination under § 33-6-404 for certification of need for care and treatment.

T.C.A. 33-6-425 (as amended by Public Acts 2000, Chapter 947, Section 1) states that no defendant shall be detained at a jail or other custodial facility for the detention of persons charged with or convicted of criminal offenses, unless the defendant is under arrest for the commission of a crime.

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