



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

September 21, 2022

The Honorable Carter Bise
Chancellor, Eighth Chancery Court District
Post Office Box 1542
Gulfport, Mississippi 39502

Re: Involuntary Mental Commitment Procedures

Dear Chancellor Bise:

The Office of the Attorney General has received your two requests for an official opinion regarding the same basic issue.

Question Presented

Is a pre-evaluation screening by a community health center required prior to an interested person or family member filing an affidavit with the chancery clerk that a person needs mental health treatment?

Brief Response

No. A pre-evaluation screening by a community health center is not required prior to the filing of an affidavit that a person needs mental health treatment. Pursuant to Mississippi Code Annotated Sections 41-21-65(1) and 41-21-67(1), a relative of the person alleged to need treatment or an interested person may file an affidavit with the chancery clerk and upon direction of the chancellor, the sheriff would take the person alleged to need treatment for pre-evaluation screening and treatment by the appropriate community mental health center.

In accordance with Section 41-21-65, the Mississippi Department of Mental Health has developed a Uniform Civil Commitment Affidavit form and Uniform Civil Commitment Guide, both of which are available on its website: <https://www.ms.gov/Agencies/departments-mental-health>.

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If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Beebe Garrard*

Beebe Garrard
Special Assistant Attorney General

OFFICIAL OPINION