

EXPLANATION OF EMERGENCY CUSTODY PROCEDURES

Commonwealth of Virginia

VA. CODE §§ 37.2-808, 37.2-817.2

To the Respondent:

You are a person who has been taken into emergency custody pursuant to Va. Code § 37.2-808 or § 37.2-817.2.

You were taken into emergency custody because a judge, special justice, or magistrate issued an emergency custody order, a law-enforcement officer believed that you met the criteria for emergency custody, or because you voluntarily consented to be transported for assessment or evaluation, you then revoked your consent, and the officer believed that you met the criteria for emergency custody.

You were taken into emergency custody because the judge, special justice, magistrate or law-enforcement officer decided that there was probable cause to believe that:

1. You have a mental illness and there exists a substantial likelihood that, as a result of mental illness, you will in the near future
 - a. cause serious physical harm to yourself or others as evidenced by your recent behavior causing, attempting or threatening harm and other relevant information, OR
 - b. suffer serious harm due to your lack of capacity to protect yourself from harm or to provide for your basic needs, AND
2. You are in need of hospitalization or treatment, AND
3. You are unwilling to volunteer or incapable of volunteering for hospitalization or treatment.

While you are in emergency custody, you will be transported by a law-enforcement officer or an alternative transportation provider to a convenient location to be evaluated to determine whether you meet the criteria for temporary detention, and to assess the need for you to be hospitalized or treated.

You may also be transported to a medical facility if it is determined that emergency medical evaluation or treatment is necessary, or if a doctor at the hospital where you may be detained requires a medical evaluation before you can be admitted.

You will remain in emergency custody until a temporary detention order is issued (§ 37.2-809), until an order for temporary detention for observation, testing or treatment is entered (§ 37.2-1104), until you are released, or until the emergency custody order expires. The maximum amount of time that you could remain in emergency custody is 8 hours.

If you were taken into emergency custody as a result of an emergency custody order, the order must have been executed within 8 hours after the order was issued or the order is void. An emergency custody order is executed when a law-enforcement officer takes you into custody under the order. When the emergency custody order is executed or a law-enforcement officer takes you into custody without an order, the law-enforcement officer must then notify the community services board right away.