



ILLINOIS JUDICIAL BRANCH

Bench Card: Mental Health Crisis & Judicial Response 05.26 v.1

Stressful court environments can contribute to mental health crises, which occur when a person's emotions, thoughts, or behaviors place them or others at imminent risk of harm and require action to ensure safety.

Understanding Mental Health Crisis

- Mental illness is not a risk factor for crime or violence. However, it may increase the risk of a mental health crisis. Individual behavior, not the diagnosis, should guide crisis response.
- People in crisis benefit from dignity, calm communication, and access to appropriate care rather than punitive responses.
- For more information about mental illness, see *Desk Card: Responding to Mental Health at Court*.

Signs of Mental Health Crisis

Knowing when a person is in crisis is important to address danger and reduce harm. A person in crisis may exhibit the loss of:

- **Awareness**, appearing confused or disoriented
- **Hope**, appearing excessively sad or desperate
- **Control**, appearing excessively angry or irritable
- **Perspective**, appearing excessively anxious, worried, or panicky
- **Reality**, appearing to experience delusions or hallucinations

Note: Presence of these indicators alone does **not** automatically indicate crisis requiring detention or law enforcement intervention.

Suicidal Indications

- **Talk:** A person may talk about killing themselves, feeling hopeless, having no reason to live, or express unbearable pain or loss.
- **Behavior:** A person may research suicide, begin to isolate, or give away possessions or pets.
- **Mood:** A person may experience depression, anxiety, loss of interest, irritability, shame, anger, or a sudden assumed improvement.

What if I suspect a risk of suicide?

- **Concern:** Engage calmly and express concern, avoid minimizing distress, and offer support and referral to care or community-based resources.
- **Contact:** Contact the local Mobile Crisis Response team or direct staff to call 988.
 - 988 is the nationwide dialing code in the U.S. for the Suicide & Crisis Lifeline that provides immediate mental health support and crisis intervention.
 - *Note:* This service will contact 911 in high-risk situations.
- **Crisis:** Engage law enforcement only in emergencies involving imminent danger, using 911 as a last resort to ensure safety.
 - *Note:* This is an option of *last resort*; involving law enforcement may escalate distress and exacerbate crisis symptoms.

De-escalatory interventions, like pausing proceedings, or engaging trained staff, crisis teams, or local mental health resources, can often safely address the person's immediate mental health needs without calling 911.

Courtroom Deescalation

- Maintain a calm, respectful courtroom by using consistent tone, clear language, and attentive nonverbal cues.
- Adjust pacing, scheduling, or private communication as needed to encourage a calm, low-stress environment.
- Use active listening and open-ended questions and avoid harsh or dismissive language.
- Offer options such as breaks or quiet spaces.

Community-based Interventions

Emergency Mobile Crisis Response

- If a person is experiencing a crisis or you have immediate safety concerns, contact [the CARES Hotline](https://www.cares.org) at 1-800-345-9049.
- CARES is an around-the-clock mental health crisis line for Illinois residents from the Illinois Department of Healthcare and Family Services (IDHFS) that will assess needs and connect a person in crisis to appropriate resources.
- CARES can dispatch a [Mobile Crisis Response \(MCR\)](#) team when someone needs immediate, in-person support. Identify your local [MCR provider by sorting by County](#) (or zip code for Cook County).

Crisis Respite Centers

- Judges can refer litigants who they suspect are in crisis to [The Living Room Program](#) from the Illinois Department of Human Services (IDHS).
- This program offers crisis respite services and support designed to proactively divert crises and break the cycle of psychiatric hospitalization, which can be traumatic.

Court-based Interventions

Court Ordered Temporary Detention and Examination Based on Judicial Observation (405 ILCS 5/3-607)

- *Emergency, time-limited authority:* Emergency measure to use only when urgent assessment and in-person care are necessary to prevent serious harm.
- *A judicial finding that emergency examination is required:* The court must find that the person appears to have a mental illness and that urgent examination is necessary. This is not a substitute for full involuntary admission proceedings (See [405 ILCS 5/3-701](#)).
- *A qualified professional conducts an examination and issues a certificate:* During the detention period, a qualified professional examines the person and may issue a certificate stating whether involuntary admission is clinically indicated.

- *Time matters:* A formal petition for involuntary admission and the examiner's certificate must both be filed within 24 hours of detention to continue the involuntary admission. If either is not timely filed, the person must be released immediately.
- *Least restrictive setting:* Temporary detention is intended to facilitate examination, not punishment or stabilization beyond what is necessary for safety.
- *Due process remains central:* Judges should be attentive to notice, representation, and the person's rights throughout the process.

Court Ordered Temporary Detention and Examination Based on Petition and Ex Parte Testimony from an Adult

(405 ILCS 5/3-600 to 405 ILCS 5/3-605)

- *Petition:* Persons over 18 with personal knowledge of facts indicating a person needs *immediate* hospitalization can file a petition in the county where the person in crisis is located to ask the court for involuntarily hospitalization.
- *Ex parte testimony:* The court may ask the petitioner to provide ex parte testimony without notice to the person in crisis to determine if the person should be subject to involuntary admission. The petitioner must state facts in the petition and testify that an emergency exists such that immediate hospitalization is necessary.

Responding to Mental Health Crisis

Crisis response at court should balance the least restrictive response with public safety & the person's individual rights:

