

## JURISIDCTION FOR CIVIL COMMITMENT OF A MENTALLY ILL PERSON OR A PERSON WITH AN INTELLECTUAL DISABILITY WHO WAS FOUND INCOMPETENT TO STAND TRIAL OR NOT GUILTY BY REASON OF INSANITY [R.C. 2945.39; R.C. 2945.401]

### NOTE

Forms must be created locally by probate court.

If jurisdiction to commit a person is terminated under R.C. 2945 due to the expiration of the maximum prison term or term of imprisonment for a defendant found incompetent to stand trial or not guilty by reason of insanity, the criminal court or the prosecutor may file an affidavit for civil commitment of a defendant under R.C. 5122 or R.C. 5123.

### NOTE

See Civil Commitment Bench Card. After the affidavit, the process for civil commitment of the defendant is the same.

The court retains jurisdiction over the person for 10 days after the filing of an affidavit for the probate court to conduct a civil-commitment hearing.

If the probate court commits the person, the chief clinical officer of the facility or the person to which the defendant is committed or admitted shall send to the prosecutor the notices required under R.C. 2945.38(H)(4)(a)(i) - (iii).

- R.C. 5122 covers the involuntary civil commitment of a mentally ill person subject to hospitalization as defined under R.C. 5122.01(B).
- R.C. 5123 covers the civil commitment of a person with an intellectual disability, 18 years of age or older, who is subject to institutionalization by court order as defined under R.C. 5123.01(O).