



EFE FACT SHEET – Mental Health

VOLUNTARY, INFORMAL, AND AGREED ORDERS FOR ADMISSION TO MENTAL HEALTH FACILITIES IN ILLINOIS

Statutory References: 405 ILCS 5/3-300 to 3-405, 5/3-801

Voluntary Admission

A request for admission into a mental health facility may be completed by:

- You, if you are 18 or older;
- An interested individual, age 18 or older, at your request; or
- You, if you are 16 or older and meet the requirements of the Illinois Mental Health and Developmental Disabilities Code section on voluntary admission of minors. (See Fact Sheet on Mental Health Treatment of Minors)

The director of the facility must approve your request unless you are unable to consent or an informal or voluntary admission is clinically inappropriate because you are unlikely to continue receiving needed treatment after you leave the facility.

If the facility director declines to admit you voluntarily, if you are 16 or older, you may request a review of that decision

If you are under 16 years old, your attorney, parent, guardian or person acting in loco parentis (in the place of a parent) who requested hospital admission, can request review of the decision not to voluntarily admit you.

You cannot be admitted voluntarily if a court has ordered you to be admitted involuntarily.

ALERT! Signing into a mental health facility as a voluntary patient does not mean that you can sign out whenever you want.

- Even if you are voluntarily admitted, you must request to be discharged in writing. This process is typically called “signing a five-day.” You can obtain a discharge form from hospital or facility staff.
- The facility has up to five working days to decide whether or not to discharge you.
- While the facility is making their decision, you will remain in the hospital or facility.

- Working days start on the first working day after you made the request for discharge but do not include Saturdays, Sundays or holidays.
- You may still face involuntary admission (admission by court order) procedures.
- When the correct paperwork for involuntary admission is filed with the clerk of the court within five days of your request for discharge, you will stay in the hospital until the case is heard and decided by a judge or a jury. This process can take several weeks.

Failure to Discharge

If you have signed a five-day and have not been released by the end of the five-day period, you should contact your private attorney or:

- Illinois Guardianship and Advocacy Commission
Toll-free (866) 274-8023
- or-
- Equip for Equality
Toll-free Voice (800) 537-2632
TTY: (800) 610-2779
Se Habla Español.

Informal Admission

You may request informal admission to a mental health facility without a formal application. You can be admitted on an informal basis when the facility director decides that you are clinically appropriate for admission.

Under an informal admission, you have the right to be discharged immediately at anytime you request during normal day-shift hours of operation. However, mental health facilities rarely permit informal admission.

If the facility director will only admit you as a voluntary patient, the director must state in your record why informal admission is not suitable.

ALERT! It is important to know whether your admission is informal or voluntary because the rules about discharge under voluntary admission are not as flexible as the rules under informal admission.

Agreed Order for Alternative Treatment or Care and Custody

At any time before the end of a hearing on a petition for involuntary admission, you can make an agreement to receive alternative treatment or care and custody under the following circumstances:

- The court and all parties have received a written report with a recommendation for alternative treatment or care and custody and the court believes that the proposal for alternative treatment or care and custody is in the best interest of you and the public;

- The court tells you about the conditions of the proposed order in open court and the court believes that you understand and agree to the conditions of alternative treatment or care and custody;
- The person who will provide you with care and custody agrees to do so and agrees to the conditions;
- No order for alternative treatment or care and custody can require you to be hospitalized (unless you fail to comply with the agreed order); or
- The conditions of the alternative treatment or care and custody order cannot require you to take psychotropic medication unless the court finds, based upon your documented history of treatment and illness, that you are unlikely to continue to receive needed psychotropic medication without such an order.

The entry of this order does not mean that you meet the standard for involuntary admission into a hospital. You cannot be cited for contempt for violating the terms and conditions of your agreed order of care and custody.



DO YOU HAVE A QUESTION?

Contact Equip for Equality (all services are free of charge):

800.537.2632 (voice) or 800.610.2779 (TTY)

Contactus@equipforequality.org

www.equipforequality.org

This resource material is intended as a guide for people with disabilities. Nothing written here shall be understood to be legal advice. For specific legal advice, an attorney should be consulted.

Equip for Equality, an independent nonprofit organization, is the Illinois state Protection & Advocacy System whose mission is to advance the human and civil rights of children and adults with disabilities.

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