

SUPREME COURT, CIVIL BRANCH
Richmond County
26 Central Avenue, Staten Island. N.Y. 10301

OFFICE OF SELF HELP

25 Hyatt Street, 5th Floor
Staten Island, N.Y. 10301
718-675-8589

Monday to Friday, 9:30 am – 1:00 pm and 2:15 pm – 4:00 pm

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Monday to Friday, 9:15 am to 1:00 pm

NOTE: As an office of the New York State Supreme Court, we cannot give legal advice, fill out forms or act as your advocate.

How to File for a Mental Hygiene Warrant

The Mental Hygiene Warrant is an emergency application, and the proceedings are confidential. The Mental Hygiene Court is where people (family member, peace officer, agency, or any concern citizen) petition to have a person brought before a judge to determine if they need psychiatric help. This Mental Hygiene Warrant can be executed in Richmond County only.

There is **no fee** for the application of the Mental Hygiene Warrant. Application can be obtained at Richmond Supreme Courthouse, 26 Central Avenue, Staten Island, New York, 10301, Civil Term Office, Room 131 or at the Richmond Supreme Website nycourt.gov/courts/13JD. The Petitioner must have identification to present to clerk when applying. A Mental Hygiene application is issued a Mental Hygiene Warrant number which will be obtained at the Civil Term Office Room 131 at the Richmond Supreme Courthouse. Attach exhibits to the application, if any.

After the Mental Hygiene Warrant Application is filled out (see attached), the Petitioner will be sent to the Special Term Part along with the packet of their application and the proposed Mental Hygiene Warrant to be heard. If the application is rejected, the judge will give reasons. This does not preclude the petitioner to file again. If the court

signs the Mental Hygiene Warrant, it will direct that a person who is alleged to be mentally ill and dangerous be brought before the court.

When the warrant is issued, the process is to contact either the Sheriff's office or closest NYPD Precinct where the Respondent is believed to be located. The Sheriff's office is the easier process. The Warrant will be executed during the hours of 9:00 a.m. to 3:00 p.m. on Court Days. The Sheriff or the other law agency will notify you when the alleged mentally ill person was located and to return to court for same day hearing. **Your appearance at the hearing is mandatory.**

At the hearing, the judge will determine if removal order should be signed. If no determination is made for psychiatric evaluation, the person is **released immediately in the courtroom.**

If Judge determines that a psychological evaluation is needed, the Judge signs the Removal Order. The Sherriff takes the Removal Order and escorts the alleged mentally ill person to a facility of the court's choosing.

The Respondent can be held a maximum time up to seventy-two hours.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

Date: _____

In the Matter of the Hospitalization Pursuant to
Section 9.43 of the Mental Hygiene Law of

**MENTAL HYGIENE WARRANT
APPLICATION**

MHW # _____

an Alleged Mentally ill Person

STATE OF NEW YORK)
COUNTY OF RICHMOND) SS:

_____ hereby petitions this Court and respectfully, alleges:
(Petitioner Print Name)

1. Petitioner is _____ years of age.
2. Petitioner resides at _____, in the County of _____, State of New York. Phone number is _____.
3. Petitioner is _____ of the alleged mentally ill person.
(Relationship)
4. The alleged mentally ill person herein resides or can be found at _____
in Richmond County in the State of New York and is _____ years of age.
5. Upon information and belief, _____ is alleged to have a mental illness for which immediate observation, care, and treatment in a hospital is appropriate and which is likely to result in serious harm to himself/herself and or others, as defined by 9.39(a) of the Mental Hygiene Law.
6. The facts upon which this application is based are as follows: _____

7. Petitioner believes that the alleged mentally ill person herein, would not voluntarily present himself/herself to a hospital for psychiatric evaluation. This is based upon the following facts:

8. No previous application has been made to this or any other Court for this relief sought herein.
9. To my knowledge the alleged mentally ill person does not have a guardian appointed to them pursuant to Article 81 of the Mental Hygiene Law nor is there a case pending to appoint a guardian.
10. WHEREFORE, your Petitioner respectfully prays that this Court issue a warrant pursuant to 9.43 of the Mental Hygiene Law directing that _____ be brought before this Court and upon removal to

FOR A DETERMINATION BY THE DIRECTOR THEREOF WHETHER THE ALLEGED MENTALLY ILL PERSON SHOULD BE RETAINED AS TO 9.39 MENTAL HYGIENE LAW.

(Petitioner Signature)

STATE OF NEW YORK)
COUNTY OF RICHMOND) SS:

_____, being duly sworn, deposes and says:

(Petitioner Print Name)

That (he/she) is the Petitioner herein; that (he/she) has read the foregoing petition and knows the contents thereof; that the same is true to (his/her) own knowledge except as to matters therein stated on information and belief; and that as to these matters (he/she) believes the same to be true.

(Petitioner Signature)

(Date)

Sworn to before me this _____ day of _____, 20_____.

JUSTICE OF THE SUPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

-----X

In the Matter of the Hospitalization Pursuant to
Section 9.43 of the Mental Hygiene Law of

MENTAL HYGIENE WARRANT

MHW # _____

_____,
an Alleged Mentally ill Person

-----X

Richmond Supreme Court
Civil Term Clerk's Office
Tel: 718-675-8579

THE PEOPLE OF THE STATE OF NEW YORK TO:

THE POLICE DEPARTMENT OF THE CITY OF NEW YORK,
THE OFFICE OF THE SHERIFF OF THE CITY OF NEW YORK,
OR ANY OTHER PEACE OFFICER WHEN ACTING PURSUANT TO THEIR SPECIAL DUTIES,

YOU ARE HEREBY COMMANDED to attach and arrest _____,
who resides at or near _____, in Richmond County, State of New York,
and bring that person forthwith before Special Term Part 2 of the Richmond County Supreme Court of the State of New York **OR** any other Court having jurisdiction, to be examined as provided by Section 9.43 of the Mental Hygiene Law, AND THEREAFTER TRANSPORT SUCH PERSON TO THE APPROPRIATE HOSPITAL FOR AN EXAMINATION IF NEEDED. **THIS WARRANT MAY BE EXECUTED ON ANY DAY OF THE WEEK AT ANY HOUR OF THE DAY OR NIGHT. THE ARRESTED PERSON MAY BE RETURNED TO RICHMOND COUNTY SUPREME COURT CIVIL TERM BETWEEN THE HOURS OF 9:00 A.M. AND 3:00 P.M. DURING REGULAR COURT HOURS. This warrant expires thirty (30) days after issuance.**

DATE: Richmond County, New York

_____, 20____

JUSTICE OF SUPREME COURT

I HEREBY CERTIFY that I executed the above warrant at _____ o'clock in the _____ noon on the _____ day of _____, 20____, by apprehending _____ herein alleged to be a mentally ill person and bringing said person to Supreme Court, Richmond County, Special Term Part and, at the time of apprehension, I exhibited the appended warrant and informed _____ of the purpose for which (s)he was being taken into custody.

Date: _____, 20____

Sheriff / NYPD Signature

Precinct