

Virginia State Report Card

Last Updated: January 1, 2024

Method and scoring: State involuntary civil commitment laws are evaluated using a 100-point grading scale. The scoring criteria are in accordance with the Treatment Advocacy Center’s values and policy preferences. Up to 50 points are awarded to a state based on the quality of its inpatient commitment law, and up to 50 points are awarded based on the state’s assisted outpatient treatment (AOT) law. Final letter grades are computed using the following scale:

97 or above	A+	87–89	B+	77–79	C+	67–69	D+	59 or below	F
93–96	A	83–86	B	73–76	C	63–66	D		
90–92	A-	80–82	B-	70–72	C-	60–62	D-		

PART ONE: Inpatient Commitment Statute (up to 50 points)

Criterion	Citation	Specifications	Points
1. Citizen access to court, emergency evaluation (5 pts)	Va. Code Ann. § 37.2-808(A)	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> Authorizes any responsible adult (2 pts)	5
2. Quality of emergency petition process (5 pts)	Va. Code Ann. §§ 37.2-808(A), (B)	<input checked="" type="checkbox"/> Process specified and reasonable (2 pts) <input checked="" type="checkbox"/> Timelines specified and reasonable (2 pts) <input checked="" type="checkbox"/> Responsible entities identified (1 pt) <input type="checkbox"/> Requires certification by more than one professional (-2 pts) <input type="checkbox"/> Emergency evaluation criteria inconsistent with inpatient commitment criteria (-5 pts)	5
3. Emergency hold duration (5 pts)	Va. Code Ann. § 37.2-809(H)	<input checked="" type="checkbox"/> At least 48-hour hold allowed (3 pts) <input checked="" type="checkbox"/> At least 72-hour hold allowed (2 pts) 72 hours	5
4. Citizen access to court, inpatient petition (5 pts)	Va. Code Ann. §§ 37.2-808	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> Authorizes any responsible adult (2 pts) Explicitly stated on District Court Form DC-4001	5
5. Quality of criteria for harm or violence to self or others (up to 10 pts)	Va. Code Ann. § 37.2-817(C)(a)(1)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <input type="checkbox"/> Harm must be imminent (-3 pts)	10
6. Quality of criteria for grave disability/basic needs (up to 10 pts)	Va. Code Ann. § 37.2-817(C)(a)(2)	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <input type="checkbox"/> Endangerment must be imminent (-3 pts) <input type="checkbox"/> Criteria require family to turn person out of home to receive treatment (-3 pts) <input type="checkbox"/> Unreasonably high risk of harm (-3 pts)	10
7. Quality of criteria for psychiatric deterioration (up to 10 pts)		<input type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts)	0
SUBTOTAL			40
PART ONE: Extra Credit			
1. Specifies in which court a petition for inpatient commitment shall be filed (1 pt)	Va. Code Ann. § 37.2-817	District court	1
Extra Credit			1
PART ONE TOTAL			41

PART TWO: Outpatient Commitment Statute (up to 50 points)

Criterion	Citation	Specifications	Points
1. AOT explicitly authorized (5 pts)	Va. Code Ann. §§ 37.2-817(C), (C1), and (D)	<input type="checkbox"/> Requires local government to adopt (-3 pts)	5
2. Citizen access to court for AOT (5 pts)	Va. Code Ann. § 37.2-817(C)	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> Authorizes any responsible adult (2 pts) <input type="checkbox"/> Authorizes citizen petition to mental health system only (-2 pts)	5

3. Criteria sufficiently broad to provide actual access (up to 10 pts)	Va. Code Ann. §§ 37.2-817.01	<p>Evaluate applicable provision only:</p> <input type="checkbox"/> If inpatient/outpatient criteria are the same: <ul style="list-style-type: none"> <input type="checkbox"/> Inpatient criteria include psychiatric deterioration standard (10 pts) <u>or</u> <input type="checkbox"/> No psychiatric deterioration standard, adequate grave disability standard (5 pts) <p>or</p> <input checked="" type="checkbox"/> If outpatient criteria are distinct from inpatient criteria: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Allows consideration of length of treatment history \geq 36 months (2 pts) <ul style="list-style-type: none"> <input type="checkbox"/> Does not exclude periods of incarceration or hospitalization (-1 pt) <input checked="" type="checkbox"/> Does not limit application to those currently dangerous or unstable (4 pts) <input checked="" type="checkbox"/> Does not limit application to those refusing service or currently lacking insight (4 pts) 	10
4. Authorizes AOT directly from community (5 pts)	Va. Code Ann. §§ 37.2-817.4		5
5. Procedures sufficiently detailed to guide practitioners (up to 5 pts)	Va. Code Ann. §§ 37.2-817.01, 817.1	<input checked="" type="checkbox"/> Process specified and reasonable (1 pt) <input checked="" type="checkbox"/> Timelines specified and reasonable (1 pt) <input checked="" type="checkbox"/> Responsible entities identified (1 pt) <input checked="" type="checkbox"/> Periodic reporting to court required (1 pt) <input checked="" type="checkbox"/> Renewal process expressly specified (1 pt)	5
6. Procedures require the treatment plan to be shared with the court (5 pts)	Va. Code Ann. §§ 37.2-817, 817.01		5
7. Specifies procedures and consequences for nonadherence (5 pts)	Va. Code Ann. §§ 37.2-817.1(B), (C)		5
8. Duration of initial order	Va. Code Ann. §§ 37.2-817 (C1), (E)	<input checked="" type="checkbox"/> = 90 days (2 pts) <u>or</u> <input checked="" type="checkbox"/> > 90 days (5 pts)	5
9. Duration of continued order	Va. Code Ann. §37.2-817.4	<input checked="" type="checkbox"/> = 180 days (2 pts) <u>or</u> <input type="checkbox"/> > 180 days (5 pts)	2
SUBTOTAL			47
PART TWO: Extra Credit			
1. Specifies court for AOT (1 pt)	Va. Code Ann. §37.2-817	District court	1
2. Court monitoring of voluntary settlement agreements (5 pts)			
Extra Credit			1
PART TWO TOTAL			48

FINAL SCORE	
PART ONE TOTAL	41
PART TWO TOTAL	48
TOTAL	89
GRADE	B+