

# Civil Commitment Notice for Sex Offenders Minn. Stat. § 253B

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## 1) Civil Commitment Process:

### A) Pre-Petition Screening and Petition.

- 1) Any interested person may request the County to initiate commitment proceedings. You may be in prison or in the community. Before commitment proceedings are instituted, the facts shall first be submitted to the county attorney, who, if satisfied that good cause exists, will prepare the petition. The county attorney *may* request a prepetition screening report, but unlike other types of commitments, the prepetition screening is *not* required for those committed as a sex offender.
- 2) If the county attorney decides that a prepetition screening should be conducted, a screening team will be established.
- 3) The prepetition screening team reviews the case and makes a recommendation to the county attorney. This would consist of:
  - a) a personal interview with you,
  - b) investigating alleged behavior requiring commitment,
  - c) exploring less restrictive options instead of commitment, and
  - d) gathering information from others.
- 4) Anything you say to the screener may be included in the petition and also be used at the hearing.
- 5) The screening team will recommend whether or not to proceed with commitment.
- 6) After receiving the recommendation, the county attorney will decide whether or not to file a petition for commitment. If the county attorney believes you meet the definition of a “sexual psychopathic personality” or a “sexually dangerous person” as defined in MN Statute § 253B.02, a petition will be filed.
- 7) The petition is filed in the county of financial responsibility or county where proposed patient is present. If you are in the custody of the commissioner of corrections, the petition may be filed with the court where the conviction occurred.

### B) Court Hold Orders.

- 1) The court may issue an apprehend and hold order and place you in a treatment facility if:
  - a) there is a risk of serious physical harm to others;
  - b) you failed to appear for an examination or for the commitment hearing, or
  - c) you are already being held on an emergency hold order.

### C) Commitment Hearing.

- 1) When issuing the order the court must schedule a preliminary hearing within 72 hours not including weekends or legal holidays to determine if you are presently a danger of serious physical harm to others.
- 2) If a petition is filed, the court will appoint an Examiner to examine you as well as review your history and record. Once a petition is filed, you have certain rights, including the right to a free, court-appointed attorney, the right to request a second Examiner, the right to attend hearings, and the right to oppose the proceeding and to present and contest evidence.
- 3) The commitment hearing must be held within 90 days of the petition being filed. It may be extended for good cause for up to an additional 30 days.

- 4) The Examiner's report must be filed 48 hours prior to the hearing. If the court finds that you are a sexually dangerous person or a sexual psychopathic personality the court shall commit you to the Minnesota Sex Offender Program (MSOP).
- 5) Your attorney has the legal burden to prove to the court by clear and convincing evidence that a less restrictive setting is available for your sex offender treatment if the commitment is not to a state facility. This less restrictive option must be consistent with your treatment needs and requirements for public safety.
- 6) The MSOP is one program that has two locations: Moose Lake and St. Peter. Most clients begin treatment at the MSOP Moose Lake facility and after successfully completing the first two phases of treatment, are transferred to the St. Peter facility to complete treatment and begin working toward provisional discharge.

**D) After Commitment.**

If the court finds you are a sexually dangerous person or a sexual psychopathic personality, the court will commit you for an indeterminate period of time. Only the Special Review Board can hear requests for a change of status after that.

**E) Cost of Care.**

If you are committed to a state treatment facility, you may be billed for all or part of the cost of care. This will be according to what you can pay. After your death the state has the right to file a claim against your estate for the total cost.

It is the current practice of the Department of Human Services to garnish a portion of your employment wages you earned while in treatment to go toward your cost of care.

**F) Legal Effects of Commitment.**

- 1) A commitment as a sexually dangerous person or a sexual psychopathic person may have an effect on professional or personal licenses. Contact the agency or board that issued your license for more information.
- 2) Court records of civil commitment are considered public information. Portions of the file may be sealed, but the fact that you have been committed is public information.

**G) Civil Commitment for Sex Offenders Has Two Main Purposes.**

- 1) To provide services to individuals who have been court-ordered to receive sex offender treatment with the goal to reduce the rate of re-offending.
- 2) To protect the public from the harm caused by sexual offenses.

ADA STATEMENT: If you have a disability and want this notice in a different format you may request this from the county.

**For more detailed information on the commitment process, cost of care, emergency hold or effective legal representation contact the Office of Ombudsman for Mental Health and Developmental Disabilities.**



**Office of the Ombudsman for Mental Health and Developmental Disabilities**

**Civil Commitment Training and Resource Center**

Suite 420, Metro Square Building, St. Paul, Minnesota 55101-2117

651-757-1800 Toll Free 1-800-657-3506 TTY/voice – Minnesota Relay Service 711

E-mail: [ombudsman.mhdd@state.mn.us](mailto:ombudsman.mhdd@state.mn.us) Website: [www.ombudmhdd.state.mn.us](http://www.ombudmhdd.state.mn.us)

Created December, 2004 – Updated September 2012

