**If the patient has refused to come to court:**

(Hospital staff), could you please let us know what was told to (patient) and what their response was?

 (The patient must have been advised that if they didn’t come to court, that the Court could make a decision about committing them to the hospital. If there is a DOR on calendar, they need to also have been told that the Court could make a decision about forcing them to take their medication against their will)

**Doesn’t meet commitment criteria, NO Serious Mental Illness (SMI), patient is at a Behavioral Health Hospital:**

Hello (Patient), how are you?

We’re here today to make a decision about whether or not you have to stay in the hospital for more mental health treatment.

Our Court Doctors who assessed you found that your behavior was not due to a mental illness, but was more due to (amphetamines, cocaine, alcohol, an adjustment disorder, a neurocognitive issue aka dementia, a personality disorder, etc.).

What that means is that I cannot force you to stay in the hospital. If you would like to stay for some more help, you will need to talk to your treatment team about signing in as a voluntary patient, but as for the court case, I am going to deny the petition and dismiss it today.

**Doesn’t meet commitment criteria, no Serious Mental Illness (SMI), patient is NOT at a Behavioral Health Hospital:**

Hello (Patient), how are you?

We’re here today to make a decision about whether or not you have to transfer to a Behavioral Health Facility for more mental health treatment.

Our Court Doctors who assessed you found that your behavior was not due to a mental illness, but was more due to (amphetamines, cocaine, alcohol, an adjustment disorder, a neurocognitive issue aka dementia, a personality disorder, etc.).

What that means is that I cannot force stay in the hospital for more treatment . If you would like to stay for some more help, you will need to talk to your treatment team about signing in as a voluntary patient, but as for the court case, I am going to deny the petition and dismiss it today.

**Doesn’t meet commitment criteria, has an SMI, but not a danger, patient is at a Behavioral Health Hospital:**

Hello (Patient), how are you?

We’re here today to make a decision about whether or not you have to stay in the hospital for more mental health treatment.

Our Court Doctors who assessed you found that you are no longer a danger to yourself or others.

What that means is that I cannot force you to stay in the hospital. Would you like to stay at the hospital for more help, or would you like to be discharged?

 Discharged: I am going to deny the petition and dismiss it today.

Stay: I am going to have you sign in as a voluntary patient. The court hold is lifted, and I am going to deny the petition and dismiss it today.

**Doesn’t meet commitment criteria, has an SMI, but not a danger, patient is NOT at a Behavioral Health Hospital (you may need to keep the hold so they can transfer):**

Hello (Patient), how are you?

We’re here today to make a decision about whether or not you have to stay in the hospital for more mental health treatment.

Our Court Doctors who assessed you found that you are no longer a danger to yourself or others.

What that means is that I cannot force you to stay in the hospital. Would you like to stay at the hospital for more help, or would you like to be discharged?

 Discharged: I am going to deny the petition and dismiss it today.

Stay: I am going to keep the court hold on you so you can transfer to a Behavioral Health Hospital. I am going to set a status check in 2 weeks. If you work with the treatment team and become well enough to discharge, you can discharge at any time. If you are still working with the treatment team at the next court date, I will check in on you to see how you are doing. Your next court date will be . . . .

**SPLIT decision on commitment criteria:**

Hello (Patient), how are you?

We’re here today to make a decision about whether or not you have to stay in the hospital for more mental health treatment.

Our Court Doctors who assessed you had a difference of opinion. One Doctor thought that you needed to stay in the hospital for more treatment. The other Doctor thought that (you were no longer a danger, your behavior was more due to . . . , etc.)

\*\*At this point, you may want to ask the District Attorney what they want to do. They may want to hear some testimony from the hospital about how the patient is doing. If the patient is doing well and is ready to discharge, they may not pursue the petition, and since a split in opinion does not reach clear and convincing evidence, you would deny the petition and dismiss.

IF the hospital has compelling evidence that the patient would still meet commitment criteria, the DA may ask to call the court doctor to have them consider the new information, to see if that would change their opinion. If they do change their opinion, note that in the Masters Recommendation program in the free writing area, let the patient know that now, both Doctors find that they need to stay in the hospital, and proceed like a regular “meets commitment criteria” finding.

**Meets commitment criteria, patient is at a Behavioral Health Hospital:**

Hello (Patient), how are you?

We’re here today to make a decision about whether or not you have to stay in the hospital for more mental health treatment.

(You may want to ask the Public Defender if the patient has indicated that they are ok to stay. If they do, at this point, you can let her do the talking, and they will just ask for a continuance date):

Patient is ok with no commitment decision today/transfer: So I’m not going to make a commitment decision today. Instead, I’m going to give you a new court date. If you work with the treatment team and become well enough to discharge, you can discharge at any time. If you are still working with the treatment team at the next court date, I will check in on you to see how you are doing. Your next court date will be . . . .

(If the patient wants to discharge and wants to “fight” the commitment):

So our Court Doctors who assessed you found that you DO need to stay in the hospital for some more help.

Patient is not agreeable: Based on the Doctor’s reports, I am NOT going to release you today. What that means is that you have two options. Based on the Doctor’s reports, I can commit you to the hospital for 6 months, or, what your attorney usually asks for is that I NOT make a commitment decision today, but instead, allow you to work with the treatment team until you are well enough to discharge. If you become well enough to discharge before that next court date, you can discharge at any time. So, which would you prefer, 6 months, or a check in in two weeks?

 \*Discharging today is not an option. That is not going to happen

 \*If you need some more time to talk with your attorney, you can do that right now.

**Meets commitment criteria, patient is NOT at a Behavioral Health Hospital:**

Hello (Patient), how are you?

We’re here today to make a decision about whether or not you have to transfer to a Behavioral Health Facility the hospital for more mental health treatment.

(You may want to ask the Public Defender if the patient has indicated that they are ok to stay. If they do, at this point, you can let her do the talking, and they will just ask for a continuance date):

Patient is ok with no commitment decision today/transfer: So I’m not going to make a commitment decision today. Instead, I’m going to give you a new court date so you can transfer over to a Behavioral Health Hospital and start working with the Treatment Team. . If you become well enough to discharge, you can discharge at any time. If you are still working with the treatment team at the next court date, I will check in on you to see how you are doing. Your next court date will be . . . .

(If the patient wants to discharge and wants to “fight” the commitment):

So our Court Doctors who assessed you found that you DO need to transfer to a Behavioral Health Facility for some more help.

Patient is not agreeable: Based on the Doctor’s reports, I am NOT going to release you today. What that means is that you have two options. Based on the Doctor’s reports, I can force you to go to a Behavioral Health Hospital and then commit you to that hospital for 6 months, or, what your attorney usually asks for is that I NOT make a commitment decision today, but instead, allow you to work with the treatment team until you are well enough to discharge. If you become well enough to discharge before that next court date, you can discharge at any time. So, which would you prefer, 6 months, or a check in in two weeks?

 \*Discharging today is not an option. That is not going to happen

 \*If you need some more time to talk with your attorney, you can do that right now.

**Status Check:**

Hello (Patient), how are you?

So I know we last saw you on (last court date). I’m checking to see how you are doing. How are you feeling? Are you taking your medication?

Treatment team, how is (Patient) doing? Is there a discharge plan?

**Petition and Denial of Rights (DOR, aka Motion for Medication Over Objection):**

Hello (Patient), how are you?

We’re here today because I have to make two decisions today. The first decision I have to make is whether or not you have to stay in the hospital for more mental health treatment, meaning, whether or not I should commit you to the hospital for six months.

The second decision I have to make is whether or not the Hospital can medicate you against your will, meaning whether or not the hospital can force you to take your medication. (At this point, you may want to ask the patient if they are taking their medication, and if not, why)

I’m first going to start with the first part, which is whether or not you have to stay in the hospital for more mental health treatment.

**Petition Portion:** So our Court Doctors who assessed you found that you DO need to stay in the hospital for more mental health treatment. (At this point, the District Attorney may want to hear an update from the treatment team). (Patient’s attorney), do you have any questions?

(Patient), is there anything else you want me to consider before I make my decision about commitment?

Based on (the Doctor’s reports, the presentation of the patient today, the testimony from the hospital) the court finds by clear and convincing evidence that (patient) is in a mental health crisis as defined in NRS 433A.0175.

And because of this mental illness, that you are a danger to yourself/others, and a reasonable probability exists that death, serious bodily injury or physical debilitation will happen in the next 30 days unless you are admitted to a mental health facility to be treated. Therefore, I am going to recommend that you be involuntarily committed at this time.

**DOR portion:** So I have just committed you to the hospital. Now I have to make a decision about whether the hospital can force you to take your medication.

If the patient is at Rawson Neal: Ms. Sliwa, you may proceed.

If the patient is not at Rawson Neal: Dr. (name), I have just committed (patient). The District Attorney is going to ask you some helpful questions, although they are not the moving party:

(After direct from Doctor) - (Patient’s attorney), do you have any questions?

(Patient), is there anything else you want me to consider before I make my decision about the medication?

I find that (patient) has been represented by counsel, and has had an opportunity to be heard at this hearing. Based on the evidence presented at the hearing, including the physician’s certificates attached to the motion, which have been incorporated into the record, the court finds by clear and convincing evidence that

1. The patient is in a mental health crisis as defined by NRS 433A.0175
2. Psychotropic medications have been prescribed by his or her treating physician;
3. That because of the patient’s illness, they are a danger to self/others, and they will continue to be a danger to self/others without the prescribed medications
4. That the proposed treatment is medically appropriate and
5. The patient has presented no rational basis for the refusal to take the prescribed medication.

Therefore, the court recommends that the Motion for Medication Over Objection be granted at this time.

\*\*\* If the patient has refused to come to court, at the commitment /DOR portions, make the record:

I find that the patient has been represented by counsel, and the patient has had the OPPORTUNITY to be present at this hearing, they have been advised, but they have waived their right to come to the hearing by refusing to come to court.