**Commitment Scenarios**

**1) Patient on List but already discharged and you have never seen them before:**

**--Call case. There may be a number of these cases that can be called at the same time to clean up the docket before proceeding. Probably best to do this by facility.**

**--Dismiss Petition as being moot and off calendar**

**--No need to check anything in the MR program as the clerk will handle**

**--There will be cases where the facility has already filed a Notice to take the Petition off calendar and you will dismiss as being moot and close the case. Again, the clerk should take care of this.**

**2) Patient is on for a status check from a prior hearing but has been discharged in the interim:**

**--Deny the Petition in the MR program and dismiss the case**

**--Close the case in the MR program**

**3) Patient appears at hearing and agrees to voluntary commitment and does not meet commitment criteria:**

**--Have the patient sign in as voluntary**

**--Dismiss the Petition and close case**

**--EXECPTIONS to the foregoing:**

 **--Active Duty Military-- the superior officer must agree to the conditions**

 **--The patient is at a non-behavioral facility and must be transferred to an appropriate facility before signing a voluntary**

 **--In both cases, continue the matters for action to be taken**

**4) Patient appears, does not agree to treatment and does not meet commitment criteria:**

**--Get update from staff (make sure sworn in) if there is any compelling evidence to the contrary**

**--if necessary call MDs to see if they will change their opinions on commitment if necessary**

**--if patient doesn’t meet commitment criteria explain why, i.e., doesn’t have a serious mental illness, has a neurocognitive disorder or some other medical condition**

**5) There are no MD reports**

**--dismiss the petition based on patient not meeting commitment criteria and close the case in the MR program. (Check off “no reports” and “dismissed” in the MR proram**

**--tell the patient that the court hold is lifted and that they will be discharged in accordance with the facility’s procedures.**

**6) Patient appears and meets commitment criteria:**

**Patient via PD agrees to a status check:**

**--explain to patient that they meet commitment criteria**

**--enter MD’s reports into evidence**

**--after swearing in case worker, confirm patient status**

**--PD will usually ask to delay the commitment decision and ask for a status check to see how the patient is doing before making a final decision**

**--Set status check 1-2 weeks to see how the patient is doing. In the MR Petition make sure the 5 day waiver notice of decision has been checked and that the petition remains open for stabilization of the patient.**

**7) Patient doesn’t agree to a status check but meets commitment criteria**

 **--Reiterate (after an update from the staff) that you are not going to release them today and their choice is to have you either**

**a) make a commitment decision today and be committed for 6 months or b)Delay a decision to have them work with the treatment team and see how they are doing in two weeks. The treatment team can release them at any time before the next hearing date if they are well enough to discharge**

**8) Patient meets commitment criteria, and is being committed:**

**Commitment patient using MD reports, staff input, DA/PD input.**

**FINDINGS:**

**--Make sure to make a record that the patient is suffering from a mental illness as defined by 433A. 115(1) and that the patient is a danger to him or herself, others or both. (check “Meets commitment criteria” in MR findings)**

**Before entering order for commitment make sure to ask the patient whether there is anything further they want me to consider before making the decision.**

**--“And, therefore, because of this mental illness, you are a danger to yourself or others or both, and a reasonable probability exists that death, seriously bodily injury or physical debilitation will occur within the next 30days, unless you are admitted to a mental health facility to be treated, the Court recommends commitment at the current facility. Or transfer to an appropriate mental health care facility for treatment.”**

**MR ORDER:**

 **-- Do not mark the 5 day, since you have made a decision so therefore they are not waiving the 5 day.**

 **--Make sure the Petition is marked granted and the case is closed**

**WHERE MEDICATION IS REQUIRED BY MOTION: the forced medication hearings can only occur after commitment has been made. Typically, these go hand in hand.**

 **--Enter physicians’ certificates attached to the motion into evidence,**

 **--Place a call to the treating physician to obtain their testimony in support of the denial of patient rights and the giving of medication. Make sure they are placed under oath.**

 **Before entering order for forced medications make sure to ask the patient whether there is anything further they want me to consider before making the decision.**

 **FINDINGS: Place on the record that there is clear and convincing evidence that in the absence of the prescribed psychotropic medication, there is a likelihood of serious harm to the patient or others or both. ALTERNATIVELY, if there is not clearing and convincing evidence that in the absence of medication there is a likelihood of serious harm to the patient or others or both, the Forced Medication Motion should be denied. HOWEVER, commitment can still occur—in these cases it is probably better to defer the 6-month commitment and set for a status check in 1-2 weeks to see if the patient has stabilized.**

 **Enter the Order allowing the medications to be administered over objection.**

 **MR: Commitment will already have been made, but grant order allowing for the medications as well (separate form).**

 **BEFORE CALLING the next case, ensure the patient receives the orders for commitment and the forced medication order. The Marshal at Rawson Neal will hand the patient the documents, or a nurse or other healthcare provider at an off-site facility, or if the patient is unresponsive the attorney can take the orders and make sure they are placed in the file.**