


IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

In the Matter of:)
)
Establishing Procedures for)
Mental Commitment Cases)
_____)

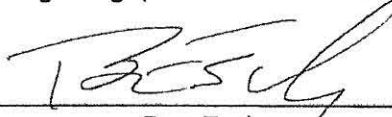
First Judicial District Administrative Order No. 12-03
Second Judicial District Administrative Order No. 12-02
Third Judicial District Administrative Order No. 12-19
Fourth Judicial District Administrative Order No. 12-26

The attached order establishing procedures for mental commitment cases will go into effect in all judicial districts on December 7, 2012.


12/7/12
Date


Trevor Stephens
Presiding Judge, First Judicial District

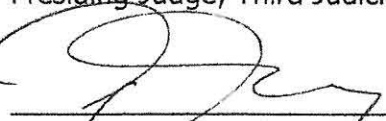
12/7/12
Date


Ben Esch
Presiding Judge, Second Judicial District

12/7/2012
Date


Sen Tan
Presiding Judge, Third Judicial District

12/7/2012
Date


Douglas Blankenship
Presiding Judge, Fourth Judicial District

**Uniform Administrative Order
Establishing Procedures for Mental Commitment Cases**

This order is adopted by the presiding judges pursuant to Administrative Rule 46 to standardize statewide procedures for case processing in mental commitment cases. The procedures contained in paragraphs 1, 2, and 5 through 7 apply to all mental commitment cases. The procedures contained in paragraphs 3, 4 and 8 apply specifically to cases in which the respondent is transported to an evaluation facility located nearer another court location.

1. Originating Court

After an MC-100 petition is filed with a court, it shall be assigned a case number consistent with Admin. Bulletin 7 (eff. Sept. 23, 2010). The court identified in the location code is considered the originating court. At the time of case initiation, the case will be assigned to a superior court judge for the originating court location. If the petition is granted, the following procedures shall apply.

2. Regional Probate Courts

Within the State of Alaska, there are five facilities designated by the Department of Health and Social Services as mental health evaluation facilities. They are listed in the chart below. For purposes of this order, the courts located in the community where each of these facilities is located are referred to as regional probate courts.

Mental Health Evaluation Facility	Regional Probate Court
Alaska Psychiatric Institute	Anchorage Trial Courts – Probate Division
Bartlett Regional Hospital	Juneau Trial courts
Fairbanks Memorial Hospital	Fairbanks Trial Courts – Probate Office
Peace Health Ketchikan Medical Center	Ketchikan Trial Courts
Yukon-Kuskokwim Delta Regional Hospital	Bethel Trial Courts

3. After MC-305 Order Issues UNTIL Respondent Arrives at the Designated Mental Health Facility

The originating court is responsible for providing the regional probate court with copies of the original file documents.

The originating court is responsible monitoring the case until the respondent's timely arrival at the designated mental health evaluation facility (the "evaluation facility").

Alaska Statute 47.30.715 requires the evaluation facility to notify the court of the "date and time of the respondent's arrival." The evaluation facility shall complete and send a notice of respondent's arrival (court form MC-400) to both the originating court and the regional probate court nearest the evaluation facility at which the respondent has arrived within the time frames contained in the MC-305 Order, paragraph 4.

If the respondent cannot be delivered to the evaluation facility within 24 hours of the time the MC-305 order issued, the Department of Health and Social Services, through its attorney, is required to file a *status report* with the originating court. (MC-305, paragraph 5.) The Clerk shall immediately refer the *status report* to the assigned judicial officer at the originating court for review and any necessary proceedings or action. Responsibility for monitoring the case and ensuring the respondent's arrival at the evaluation facility remains with the originating court until receipt of the notice of respondent's arrival (MC-400).

4. Change of Venue AFTER Respondent Arrives at the Designated Mental Health Facility

Upon receipt of notice that the respondent has arrived at the evaluation facility:

- A.** Venue is automatically changed to the regional probate court location nearest the facility where the respondent is being evaluated.
- B.** The originating court case file shall be closed.
- C.** The regional probate court will initiate a new case and the case will be assigned to a superior court judge at the regional probate court location. All subsequent documents involving the respondent relevant to the initial petition and any subsequent petitions or pleadings shall be filed in the

regional probate court using the new case number. The regional probate court is responsible for managing and monitoring the case and all future hearings and proceedings will take place in the regional probate court location.

- D. The regional probate court "shall set a date, time, and place for a 30-day commitment hearing, to be held if needed within 72 hours after the respondent's arrival..." AS 47.30.715.

5. **Procedures If 30-Day Commitment Petition Is Not Filed**

If a 30-day commitment petition is not filed, the respondent shall be released from the evaluation facility prior to the expiration of the 72-hour evaluation period unless the respondent requests voluntary admission for treatment.

The evaluation facility shall immediately notify the regional probate court of the respondent's timely release or voluntary admission by filing either a Notice of Release (MC-410) or a Notice of Voluntary Admission (MC-415) with the regional probate court.

The regional probate court shall monitor the case to ensure receipt of a Notice of Release (MC-410) or a Notice of Voluntary Admission (MC-415) from the evaluation facility. Upon receipt of either, the case is automatically considered dismissed and the regional probate court shall close its case file.

6. **Procedures If 30-Day Commitment Petition Is Filed**

If a 30-day commitment petition is filed with the regional probate court, it and any subsequent petitions should be filed directly with the regional probate court using the same case number assigned when the regional probate court opened the new case file.

If the 30-day commitment petition is granted, the respondent shall be released from the evaluation facility prior to the expiration of the 30 day commitment period unless, prior to that time, the respondent requests voluntary admission for treatment or a petition for 90 day commitment has been filed.

If a petition for 90 day commitment is NOT filed, the evaluation facility shall immediately notify the regional probate court of the respondent's timely release or voluntary admission by filing either a Notice of Release (MC-410) or a Notice of Voluntary Admission (MC-415) with the regional probate court.

The regional probate court shall monitor the case to ensure receipt of a Notice of Release (MC-410) or a Notice of Voluntary Admission (MC-415) from the evaluation facility. Upon receipt of either, the case is automatically considered dismissed and the regional probate court shall close its case file.

7. Procedures If 90-Day or a 180-Day Commitment Petition Is Filed

The same procedures as outlined above in regard to 30-day commitment proceedings shall apply to 90-day and 180-day commitment proceedings.

8. Subsequent Transfer of Respondent to Another Facility

- A.** Before transferring a respondent to another facility, the Department of Health and Social shall obtain court approval. The regional probate court is responsible for monitoring the case until the respondent's arrival at the new facility.
- B.** Once the respondent arrives at the new evaluation facility, the evaluation facility shall immediately notify the court of the "date and time of the respondent's arrival" by completing a notice of respondent's arrival (court form MC-400). Copies of the notice shall be sent to both the regional probate court nearest the facility from which the respondent was transferred and the regional probate court nearest the evaluation facility to which the respondent has been transferred.
- C.** Upon receipt of notice that the respondent has arrived at the new facility:
 - 1. Venue is automatically changed to the regional probate court location nearest the new evaluation facility.
 - 2. The transferring regional probate court case file shall be closed.
 - 3. The new regional probate court will initiate a new case which shall be assigned to a superior court judge at the new regional probate court location. All subsequent documents involving the respondent relevant to the initial petition and any subsequent petitions or pleadings shall be filed in the regional probate court using the new case number. The new regional probate court is responsible for managing and monitoring the case from that point forward consistent with all of the procedures contained in this order.