

“At the root of this dilemma is the way we view mental health in this country. Whether an illness affects your heart, your leg or your brain, it’s still an illness, and there should be no distinction.”

-Michelle Obama

When a person has a mental illness, there is always the possibility that the person’s mental status may worsen to the extent that they become a danger to themselves or others. When that happens, family members need to know what options are available for treatment of that individual. If the family member is not willing to seek mental health treatment on their own, then one of those options is a mental commitment. This brochure will outline the procedures for a mental commitment in Madison County, Alabama.

## Important Contacts

- Probate Court: 256-532-3330
- Milburn Gross, Esq:  
256-828-9923
- Kimberly Brown, Esq:  
256-533-8795
- Rochelle Conley, Esq:  
256-533-6797
- Bennett Driggers, Esq:  
256-536-7046
- Charles Hooper, Esq:  
256-539-8914
- Dustin Paseur, Esq:  
256-603-1453

*\*\*The above list of attorneys are not appointed by the Court. Each has offered his or her name as a resource to assist those petitioning the Court for an involuntary commitment. Inclusion of their names and contact information in this brochure does not constitute an endorsement in any form. A person may retain any attorney he or she chooses to present a petition for involuntary commitment to the Court.*

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# Involuntary Commitment

 **NAMI** Huntsville  
National Alliance on Mental Illness

## Beginning the Process of Involuntary Commitment

If the family member is in the hospital, have a conversation with staff about whether they believe a mental commitment needs to be filed. If your family member is in the hospital on a weekend, or overnight, they may ask you to sign an Intent to Commit. This is done so that the hospital can hold the patient even if they want to leave. If you sign an Intent to Commit, you need to call one of the attorneys listed on the document as soon as possible.

If your family member is not in the hospital, and they are actively committing physical violence or destruction, call the police. Most police in this county are trained, or can summon an officer who is trained, to de-escalate the situation and assist you in getting them to the hospital.

If your family member is not in the hospital, and not actively committing physical violence or destruction, call any of the attorneys who can handle mental commitments in the county where you reside. The criteria for a mental commitment are (1) does the person have a mental illness, and (2) are they a danger to themselves or others. A mental commitment cannot be filed if the family member's actions are caused by substance abuse.

### What Next?

If your family member meets the criteria for commitment, then the attorney will have you come to the office for a consultation. Please bring identifying information for your family member such as Social Security, driver's license number, height, weight, hair color and place of birth, and their current address or location.

The attorney will prepare a petition for mental commitment for you to sign. In Madison County, you will only need to pay \$35, the rest of the fee is paid by the State. The attorney will also have you sign an acknowledgment to protect the court from bad faith filings. Bad faith filings are filing where the Petitioner is not acting in the patient's best interest but is just trying to gain some legal advantage by filing the Petition.

In Madison County, once the Petition is filed, the hearing will be conducted in about two court days. For example, if you file on a Monday, the hearing is usually Wednesday. If you file on a Friday, the hearing may not be until Monday or Tuesday.

The Court will appoint a Guardian Ad Litem to represent your family member. The GAL's responsibility is to act in the best interest of your family member. He/she will read the medical records and visit with the patient. The GAL will also represent the patient during the hearing.

### Additional Information

In Madison County, the hearings are conducted at the hospital in a hearing room on the 3rd floor. At the present time, hearings are being held by telephone. You will be given a telephone number to call and a code to enter. Call just before the time of the hearing, and let the parties know you are on the line.

The Court will also appoint a person from Wellstone to testify in the hearing. This is usually Tammy Leeth. Ms. Leeth will read the medical records, talk to hospital staff and the psychiatrist and make a recommendation to the Court. Most of the time her recommendation will be the same as the doctor, but sometimes they have a difference of opinion about the proper treatment

The Court is required by law to determine the least restrictive environment necessary and available for treatment of the patient's mental illness. The Court has several options for treatment. The Court may determine that the patient no longer needs in-patient care and can be released from the hospital. If that happens, the Petition will be dismissed. Normally, the attorney will talk to the Petitioner about whether a hearing is needed, and the Petitioner will sign the dismissal. The Court can also find Probable Cause and hold the patient for another 5 to 7 days until a final hearing can be held. This is generally done when the patient has made improvement, and it is expected that they will be released before a final hearing is necessary. It is also done sometimes when the hospital or the family The Court can also find Probable Cause and hold the needs additional time to find a more appropriate treatment setting such as a nursing home. The Court may do an out-patient commitment. When this is done, the patient will be released and Wellstone will follow the patient to make sure the patient is following treatment recommendations, such as taking his/her medication or attending counseling or doctors' appointments. The Court can also commit the patient to the custody of the Alabama Department of Mental Health. For patients under 65, that means the person will be transported to WellStar, which is a 16-bed facility in Huntsville, Alabama. If the patient is 65 or above, the patient will be held at Huntsville Hospital until a bed is open at the Mary Starke Harper Geriatric Center, which is in Tuscaloosa.

Once a patient is committed, the family and the Court lose control or jurisdiction of treatment decisions. The mental facility will determine the proper treatment and the length of the stay. Most patients leave before they are fully recovered. It is especially important once a patient is released for the family to provide supervision, support and encouragement. This means, as much as possible, making sure the patient takes their medication and complies with treatment.