

PROCEDURE FOR FILING A MENTAL COMMITMENT

1. If your 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 attorney listed on the document as soon as possible.
2. If your family member is not in the hospital, and they are actively committing physical violence or destruction, call the police. The police are trained to de-escalate the situation and try to get them to the hospital.
3. If your family member is not in the hospital, and not actively committing physical violence or destruction, call one of the attorney who handle mental commitments in the county where you reside. In Madison County, that is Milburn Gross, Charlie Hooper or Kimberly Brown. The criteria for a mental commitment is whether the person has a mental illness, and whether they are a danger to themselves or others. We cannot do a mental commitment for substance abuse.
4. 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 SS number, drivers license number, height, weight, hair color and place of birth.
5. 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 patients best interest, but is just trying to gain some legal advantage by filing the Petition.
6. 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.
7. 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 or she will read the medical records and visit with the patient. The GAL will also represent the patient during the hearing.
8. In Madison County, the hearing are conducted at the hospital in a hearing room on the 3rd floor. Right now hearing are being held by telephone. You will be given a phone 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.
9. 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 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.

10. 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 Probably 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 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 he is following his treatment recommendations, such as taking his medication or attending counseling or doctors appointments. The Court can commit the patient to the custody of the Department of Mental Health. For patients under 65, that means the person will be transported to Wellstar, which is a 16 bed facility here in Madison County. If the patient is over 65, they will be held at Huntsville Hospital until a bed is open at Mary Harper, which is in Tuscaloosa.

11. 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 very important once a patient is released for the family to provide supervision and encouragement. This means, as much as possible, making sure the patient takes their medication and complies with treatment.