

MENTAL HEALTH COMMITMENTS

(Civil Commitments)

This pamphlet is designed to answer some common questions about civil commitments in Alaska. The information it contains is not a substitute for the Alaska Statutes, and the statements herein are not intended to be and should not be construed as legal advice.



Answers to Some
Common Questions

WHAT IS A CIVIL COMMITMENT?

A civil commitment is a procedure by which a mentally ill person is placed in a hospital or other type of health care center for treatment of his or her mental illness. Chapter 47 of the Alaska Statute governs civil commitments in Alaska.

WHAT IF A MENTALLY ILL PERSON DOESN'T WANT TREATMENT?

There are two types of civil commitments: **voluntary** and **involuntary**.

A mentally ill person may be voluntarily admitted to a treatment facility by signing papers agreeing to be admitted. A person admitted voluntarily can request to be released at any time. The person must be released or involuntary proceedings must be started within 48 hours after receipt of the patient's request.

(At this point in time, Alaska Psychiatric Institute in Anchorage, Fairbanks Memorial Hospital, and Mt. Edgecumbe Hospital in Sitka are the only treatment facilities in Alaska designated by the Department of Health and Social Services to receive persons seeking to formally commit themselves on a voluntary commitment. However, a number of other hospitals will also admit persons who seek to enter the hospitals because they are mentally ill.)

If a mentally ill person does **NOT** want to get treatment, or is so ill that it is impossible to determine what the person wants, the superior court can commit him or her for treatment against the person's will under certain social circumstances which are described in the Alaska Statutes.

A person who has been involuntarily committed can convert to voluntary status at any time if the doctor agrees that the person is an appropriate patient for voluntary hospitalization and is acting in good faith.

HOW SICK DOES THE MENTALLY ILL PERSON HAVE TO BE BEFORE BEING INVOLUNTARILY COMMITTED?

Alaska law is clear on this point. The person must be mentally ill and, as a result of mental illness, must be **GRAVELY DISABLED OR PRESENT A LIKELIHOOD OF SERIOUS HARM TO SELF OR OTHERS**.

Gravely disabled means that the person cannot take care of basic needs, like food and shelter, and this inability puts the person in danger of serious harm. A person is also considered gravely disabled if he or she will suffer severe and abnormal mental, emotional or physical distress if not treated, **and** this distress is associated with significant impairment of judgement, reason or behavior causing the person to be able to function much less independently.

Under this law, a person presents a likelihood of causing serious harm if the person: (1) poses a substantial risk of physically harming self as shown by behavior causing, attempting or threatening harm to self **OR** (2) poses a substantial risk of harm to others shown by recent behavior and is likely in the near future to physically hurt someone else or cause substantial property damage, **OR** (3) shows a current intent to carry out plans of serious harm to self.

WHO MAKES THE DECISION ABOUT WHETHER OR NOT SOMEONE SHOULD BE INVOLUNTARILY COMMITTED?

A superior court judge will decide whether or not a mentally ill person will be involuntarily committed after the judge hears the facts of the case and the opinions of mental health professionals (for example, psychiatrists) who have examined the mentally ill person.

HOW DOES THE INVOLUNTARY COMMITMENT PROCEDURE START?

The procedure usually starts in one of two ways.

1. Any adult can file a petition with the superior court (not a district court judge or magistrate).

A petition is a legal document, which states:

- a. That the petitioner (the person who makes out the petition) believes the mentally ill person (called the respondent) is likely to seriously harm self or others or is gravely disabled as a result of mental illness;
- b. the facts which support the petitioner's belief, and
- c. the names and addresses of all persons known to the petitioner who have knowledge of the facts through personal observation.

Upon receiving a petition, a superior court judge immediately takes steps to either direct a mental health professional to do a screening investigation or a 72 hour *ex parte* evaluation of the mentally ill person. Depending on the results of that investigation, either the mentally ill person will be hospitalized and a court hearing will then be scheduled, or no further action will be taken.

2. A peace officer (for example, a state trooper or a police officer) who has a good reason to believe THAT A PERSON IS GRAVELY DISABLED OR IS SUFFERING FROM MENTAL ILLNESS AND IS LIKELY TO CAUSE SERIOUS HARM TO SELF OR OTHERS OF SUCH AN IMMEDIATE NATURE That CONSIDERATIONS OF SAFETY DO NOT ALLOW FOR A PETITION TO BE FILED AND SCREENED AS DESCRIBED ABOVE, can take immediate action. The peace officer can take the mentally ill person into custody and deliver him or her to the nearest hospital or other appropriate facility which can evaluate the person.

(Government health officers and public health nurses are considered peace officers under this law, also.)

When the peace officer delivers the person to the evaluation facility, the peace officer fills out a request that the person be examined by a mental health professional. The person is admitted to the facility and held while an investigation is conducted. The investigation must take place within 24 hours after the person's arrival. Depending on the results of that investigation, the mentally ill person may be hospitalized and a court hearing will then be scheduled.

WHAT CAN I DO IF I KNOW SOMEONE I THINK IS MENTALLY ILL AND NEEDS HELP? WHOM SHOULD I CONTACT?

You can get information about how you can help a mentally ill person by contacting your community mental health center or your regional CMHC coordinator. A list of these agencies is provided at the back of this pamphlet.

If the situation is an emergency (for example, if you think the person is going to hurt self or others if some immediate action isn't taken), contact a peace officer. As described above, a peace officer can take immediate custody of the mentally ill person.

If the situation is not an emergency, you or any other adult can write up and sign a petition about the mentally ill person and give it to a superior court. The contents of the petition were described above. There is no filing fee or other charge for doing this. Each superior court in the State has petition forms you can fill out and sign. The addresses of all superior courts are listed on the back of this pamphlet.

This petition can only be acted upon by a superior court. However, you may contact your local court for assistance

A person who files a petition in good faith upon either actual knowledge or reliable information cannot be found civilly or criminally liable as a result of filing the petition.

However, a person who willfully begins an involuntary commitment procedure by filing a petition with the superior court without good cause to believe the other person is suffering from a mental illness and as a result is gravely disabled or likely to cause serious harm to self or others is guilty of a felony.

WHERE DOES A PERSON WHO IS COMMITTED GO?

At this point in time, Alaska Psychiatric Institute in Anchorage, Fairbanks Memorial Hospital, and Mt. Edgecumbe Hospital in Sitka are the only treatment facilities in Alaska at which committed persons are placed for treatment on an inpatient basis.

WHAT ARE THE COMMITTED PERSON'S RIGHTS AND WHO MAKES SURE THAT THE PERSON IS TREATED FAIRLY?

From the time any action is taken against a mentally ill person, that person is entitled to legal protection and help. The person has definite legal rights, which will be protected.

✍️The person has the right to be notified, orally and in writing, of the commitment proceedings and his or her rights. These explanations must be given in a language the person understands.

✍️The person has the right to communicate with a guardian or another adult of his or her choice.

✍️The person will be represented by a lawyer, and is entitled to a free lawyer if the person and the family cannot pay to hire a lawyer.

The person will be able to attend court hearings about the case, and the person can present evidence and cross-examine witnesses.

✍️The person has a right to have a court hearing within 72 hours (excluding weekends and holidays) after arriving at a treatment facility for evaluation, and has the right to have further hearings 30 days later, then 90 days later and then 180 days later if the commitment continues.

The person has specific rights to receive treatment and to refuse specific types of treatment, which are listed in the Alaska Statutes. The treatment facility may administer medication to a person without the patient's consent only if there is a crisis situation requiring immediate use of medication to preserve the life of, or prevent significant physical harm to, the patient or another person and if the medication is ordered by a licensed physician. The treatment facility may also administer psychotropic medications against the person's will in non-emergencies if it follows the procedures set out in Alaska Statutes.

The person's freedom can only be restricted to the extent necessary for treatment. The person has a right to be treated at an appropriate facility as close to his or her home as possible. The person must be released at any time if his or her condition improves to the point that he or she is no longer committable. The person retains his or her civil rights, and the care and treatment received are kept confidential. The person has the right to a nutritional evaluation and the right to receive a medically appropriate diet while in the treatment facility. The person has the right to be free of corporal punishment, the right to exercise and recreation and the right to be in contact with a lawyer.

After release, the person can request that all records of the commitment proceedings be expunged (erased).

There is a non-profit advocacy agency which responds to complaints of abuse, neglect and other rights violations from individuals in mental health facilities such as API. Information about how to contact the Disability Law Center is listed in the end of this pamphlet.

HOW LONG DOES A COMMITMENT LAST?

That depends. A committed person must always be released as soon as the person's condition improves to the point that he or she could no longer be committed under the standards of the law.

If the person was taken to a treatment facility by a peace officer, the first court hearing must be held within 72 hours (excluding weekends and holidays) of when the mentally ill person arrived at a treatment facility for evaluation. If the superior court judge finds that the person should be involuntarily committed, a 30 day commitment order is made. At the end of 30 days, if the person's condition has not improved, another hearing is held and the person may be committed for up to 90 days more. Likewise, at the end of 90 days, another hearing may be held and a commitment order of up to 180 more days may be made. After that, hearings are held and orders are made every 180 days. The patient has the right to a jury trial concerning any extended commitment petition.

A voluntary commitment can last as long as the person continues to be mentally ill and continues to consent to a voluntary commitment.

CAN A CHILD BE CIVILLY COMMITTED?

Yes, but the procedures are slightly different. The child's parents or guardians are involved in the procedures.

CAN A PERSON APPEAL FROM A JUDGE'S DECISION ORDERING A CML COMMITMENT OF THAT PERSON?

Yes, the person can appeal from any court order of involuntary commitment, and the judge must tell the person about the right to appeal.

WHO PAYS FOR ALL OF THIS?

To the extent that they can, a person who is committed, or a legal guardian, or a spouse, or parents if the person is under 18 years of age, must pay for the care, transportation and treatment of the person. If no one else can pay the expenses, the State of Alaska will pay.

When the commitment process is started, the Department of Health and Social Services is required to arrange and pay for the transportation of the person to a treatment facility. The department also pays for appropriate persons to go with the mentally ill person and for return transportation for these people. When advisable, one or more relatives or friends shall be permitted to go with the mentally ill person. The department may pay necessary travel, housing and meal expenses for one relative or friend to go with the person, if the department finds that the person's best interests require travel with the relative, or friend and the relative or friend doesn't have enough money to pay these expenses. For more information about this possibility, contact your community mental health center or your regional CMHC coordinator.

*This is the list of Grantees as provided by the
Community Mental Health Programs.
Other acceptable providers may be available.*



THE FOLLOWING
DIRECTORY INFORMATION
MAY BE HELPFUL.

Community Mental Health Programs

Southeast Regional

P.O. Box 110620

Juneau, AK 99811-0620

Phone: 465-4914

Fax: 465-2677

Community Connections

2030 Sealevel Drive, Suite 350

Ketchikan, AK 99901

Phone: 225-7826

Fax: 225-1541

C.O.H.O

P.O. Box 805

Craig, AK 99921

Phone: 826-3662

Fax: 826-2917

Gateway Center for Human Services

3050 5th Avenue

Ketchikan, AK 99901

Phone: 225-4135

Fax: 247-4135

Juneau Alliance for Mental Health, Inc.

P.O. Box 22090

Juneau, AK 99802

Phone: 463-3303

Fax: 463-6888

Juneau Recovery Hospital

3259 Hospital Drive

Juneau, AK 99801

Phone: 586-9508

Southeast Regional Continued...

Juneau Youth Services, Inc
P.O. Box 3-2839 Phone: 789-7610
Juneau, AK 99803 Fax: 789-8443

Lynn Canal Counseling Center
P.O. Box 90 Phone: 766-2177
Haines, AK 99827 Fax: 766-2977

Petersburg Mental Health Services
P.O. Box 1309 Phone: 772-3332
Petersburg, AK 99833 Fax: 772-2122

Reach, Inc.
P.O. Box 1309 Phone: 586-8228
Juneau, AK 99803 Fax: 586-8226

Search-Behavioral Health Svcs. Div.
222 Tongass Drive Phone: 966-2451
Sitka, AK 99835 Fax: 966-2489

Sitka Mental Health Clinic, Inc
1310-A Sawmill Creek Road Phone: 747-8994
Sitka, AK 99835 Fax: 747-6801

Wrangell Community Services, Inc
P. O. Box 1615 Phone: 874-2373
Wrangell, AK 99929 Fax: 874-2576

Community Mental Health Programs

Anchorage Regional

3601 C St., Suite 878
Anchorage, AK 99503
Phone: 269-3600 Fax: 269-3623

Abused Women's Aid in Crisis
100 W. 13th Ave. Phone: 338-9800
Anchorage, AK 99501 Fax: 338-9801

Alaska Alliance for the Mentally Ill
144 W. 15th Ave. Phone: 277-1300
Anchorage, AK 99501 Fax: 277-1400

Alaska Children's Services, Inc.
4600 Abbot Rd. Phone: 346-2101
Anchorage, AK 99508 Fax: 348-9230

Alaska Youth & Parent Foundation
3745 Community Park Loop, #202 Phone: 274-6541
Anchorage, AK 99508 Fax: 277-2428

Alternatives CMHC, Inc.
1675 C Street, Suite 117 Phone: 274-8281
Anchorage, AK 99501-5198 Fax: 222-2392

The Arc of Anchorage
2211 ARCA Drive Phone: 277-6677
Anchorage, AK 99508 Fax: 272-2161
TDD: 272-9966

Anchorage Regional Continued...

Assets, Inc.
2330 Nichols Street
Anchorage, AK 99508
Phone: 279-5279
Fax: 274-0636

Brain Injury Association of Alaska
1251 Muldoon Road, Suite 103
Anchorage, AK 99504
Phone: 279-9581
Fax: 279-7244

Disability Law Center of Alaska
3330 Arctic Blvd., Suite 103
Anchorage, AK 99503
Phone: 565-1002
Fax: 565-1000

Hope Community Resources, Inc.
540 W. Intl. Airport Rd., #100
Anchorage, AK 99518
Phone: 561-5335
Fax: 564-7429

Mental Health Association in Alaska
4050 Lake Otis Parkway, Suite 209
Anchorage, AK 99508
Phone: 563-0880
Fax: 563-0881

Mental Health Consumer's Web
619 E. 6th Ave., Suite 212
Anchorage, AK 99501
Phone: 222-2980
Fax: 222-2981

Parent's Inc
4743 E. Northern Lights Blvd.
Anchorage, AK 99508
Phone: 337-7678
Fax: 337-7671

Southcentral Counseling Center
4020 Folker Street
Anchorage, AK 99508
Phone: 563-1000
Fax: 563-2045

Community Mental Health Programs
Southcentral Regional

851 E. Westpoint Drive, Suite 310
Wasilla, AK 99687
Phone: 352-6301 Fax: 352-6330

Aleutian/Pribilof Island Assoc., Inc.
201 East 3rd Avenue
Anchorage, AK 99501
Phone: 276-270a
Fax: 279-4351

Bristol Bay Area Health Corp. MH Center
P.O. Box 130
Dillingham, AK 99576
Phone: 842-1230
Fax: 842-5174

Central Peninsula Counseling Service
506 Lake Street
Kenai, AK 99611
Phone: 283-7501
Fax: 283-9006

Copper River Community MH Center
Drawer "H"
Copper Center, AK 99573
Phone: 822-5241
Fax: 822-8801

Daybreak, Inc.
915 S. Bailey Suite 2
Palmer, AK 99645
E-Mail: DaybreAK@Corecom.Net
Phone: 745-6019
Fax: 745-6146

Eastern Aleutian Tribes
1600 A Street, Suite 104
Anchorage, AK 99501
E-Mail: Eat@Alaska.Net
Phone: 277-1440
Fax: 277-1446

Iliuliuk Family & Health Services, Inc.
P.O. Box 144
Unalaska, AK 99865
E-Mail: Iliuliuk@Ansi.Net
Phone: 581-1202
Fax: 581-2331

Kenia Peninsula Community Care Center
320 Spruce Street
Kenai AK 99611
E-Mail: Care@Alaska.Net
Phone: 283-7635
Fax: 283-9575

Southcentral Regional Continued

Kenaitze Indian Tribes
P.O. Box 988
Kenai, AK 99611
E-Mail: Nakenu@Alaska.Net

Phone: 283-6423
Fax: 283-3052

Life Quest
230 East Paulson, Suite 68
Wasilla, AK 99654

Emergency: 376-2411
(800) 478-2410
Phone: 376-2411
Fax: 352-3222

Nugen's Ranch
P.O. Box 873545
Wasilla, AK 99654

Phone: 376-4534
Fax: 376-2348

Providence Kodiak Island MH Center
717 E. Rezanof Drive
Kodiak, AK 99615

Phone: 486-9100
Fax: 486-9119

Seaview Community Services
P. O. Box 1045
Seward, AK, 99664

Phone: 224-5257
Fax: 224-7081

Sound Alternatives
P.O. Box 160
Cordova, AK 99574

Phone: 424-8300
Fax: 424-8645

South Peninsula Mental Health Assoc., Inc.
3948 Ben Waiters Lane
Homer, AK 99574
E-Mail: CMHc@Xyz.Net

Phone: 235-7701
Fax: 235-2290

Mat-Su Services for Children & Adults, Inc.
Supported Emp. & Living Svcs.
2000 E. Shennum Drive
Wasilla, AK 99654

Phone: 352-1200
Fax: 352-1249

Valdez Counseling Center
P.O. Box 1050
Valdez, AK 99686

Emergency: 835-2838
Phone: 835-2838
Fax: 835-5927

ADVOCACY SERVICES OF ALASKA
("ASK")

ANCHORAGE: 900 W. 5th Avenue, Suite 525
Anchorage, Alaska 99501
274-3500

FAIRBANKS: 100 Cushman, Suite 502
Fairbanks, Alaska 99701
451-5933

JUNEAU: Assembly Building, Room 103
P. O. Box 110225
Juneau, Alaska 99811
465-4173 465-4718

DISABILITY LAW CENTER
OF ALASKA

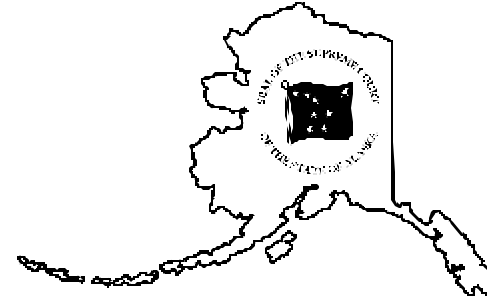
3330 Arctic Boulevard, Suite 103
Anchorage, AK 99503
1-800/478-1234 akpa@dlcak.org

DISTRICT COURT LOCATION WHICH
WILL ACCEPT CIVIL COMMITMENT PETITIONS:

HOMER 3670 Lake Street, Suite 400235-8171
Homer, AK 99603-7686

SUPERIOR COURT LOCATIONS

ANCHORAGE	825 West Fourth Avenue Anchorage, AK 99501-2004	264-0440
BARROW	Box 270 Barrow, AK 99723-0270	852-4800
BETHEL	Box 130 Bethel, AK 99559-0130	543-1124
DILLINGHAM	Box 909 Dillingham, AK 99576-0909	842-2050
FAIRBANKS	Rabinowitz Courthouse 101 Lacey Street Fairbanks, AK 99701-4765	452-9256
JUNEAU	P O Box 114100 Juneau, AK 99811-4100	463-4700
KENAI	125 Trading Bay Dr., St. 100 Kenai, AK 99611-7717	283-3110
KETCHIKAN	415 Main Street, Room 400 Ketchikan, AK 99901-6399	225-3141
KODIAK	204 Mission Road, Room 10 Kodiak, AK 99615-7312	486-1600
KOTZEBUE	Box 317 Kotzebue, AK 99752-0317	442-3208
NOME	Box 1110 Nome, AK 99762-1110	443-5216
PALMER	435 So. Denali Palmer, AK 99645-6437	745-4283
PETERSBURG	Box 1009 Petersburg, AK 99833-1008	772-4466/ 772-4468
SITKA	304 Lake Street, Rm. 203 Sitka, AK 99835-7759	747-3291
WRANGELL	Box 869 Wrangell, AK 99929	874-2311



**Administrative Office
of the Alaska Court System**

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