





CRITERIA	Mentally ill and, as a result of that condition, believed to be gravely disabled or to present a likelihood of serious harm to self or others.	Gravely disabled, or suffering from mental illness and likely to cause serious harm to self or others of such immediate nature that safety does not allow initiation of initial involuntary commitment procedures.	
Who can initiate?	 Any Adult	 Peace Officer	 <ul style="list-style-type: none"> • Health officer • Mental health professional • Physician assistant
How?	File a petition with the Superior Court.	Have probable cause.	
What do they initiate?	Will initiate a screening investigation by a judge or local mental health professional for a potential order for custody and transport for evaluation.	May initiate custody and transport by a peace officer or health officer for emergency evaluation.	
Where does the proposed patient go?	Nowhere prior to the screening investigation.	Nearest crisis stabilization center, crisis residential center, evaluation facility, or treatment facility.	
What's the time limit for the response?	"Immediately" upon petition.	"Immediate."	
What happens?	Within 48 hours after completion of the screening investigation, a judge may issue an ex parte order, finding probable cause that the person meets the criteria. The court must state its findings, appoint an attorney for the person, and may direct a peace officer to take the person into custody and transport the person to the nearest appropriate facility for emergency examination or treatment.	<p>The initiating professional must complete an application for examination and an interview by a mental health professional at the receiving facility.</p> <p>A mental health professional must examine the person within three hours of arrival.</p> <p>If the professional person in charge determines there is probable cause that the person has a mental illness, is suffering an acute behavioral health crisis, and, as a result, is likely to cause serious harm to self or others or is gravely disabled; that the crisis will be resolved during admission to a crisis residential center or evaluation facility; and that the person is not willing to voluntarily go to such a facility, a mental health professional may submit an ex parte application to the court for detention at a crisis residential center or evaluation facility.</p> <p>If the court finds probable cause, it must grant the application, appoint an attorney for the person, and allow the person to remain at the crisis stabilization center until admission to a crisis residential center or evaluation facility. If the court does not find probable cause, it must order release of the person.</p>	

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<p>What's next?</p>	<p>After the court grants an ex parte order authorizing hospitalization for evaluation, the <u>Department of Family and Community Services</u> must immediately transport a person held at a medical or other facility, including a correctional facility, to a crisis residential center or evaluation facility.</p> <p>Custody pending transportation: A facility cannot hold a person for more than seven days pending transportation, unless the department or detaining facility requests an extension based on continued satisfaction of criteria and need for continued hold. The person may request a court hearing at any time. The court must hold a hearing within 72 hours of a request for review or extension. If the hearing occurs after the seven-day period, detention will continue until the hearing.</p> <p>If transported to an evaluation facility: A mental health professional and a physician must examine and evaluate the person's mental and physical condition within 24 hours of arrival. If the mental health professional believes the person is mentally ill causing the person to be gravely disabled or to present a likelihood of serious harm to self or others, and in need of care or treatment, the mental health professional may admit the person to a crisis residential center, hospitalize the person, or arrange for the emergency hospitalization.</p> <p>If transported to a crisis residential center: A mental health professional must examine and evaluate the person's mental and physical condition within three hours of arrival. The examining mental health professional may admit the person if the professional has probable cause to believe that the (1) the person has a mental illness and is suffering an acute behavioral health crisis and, as a result, is likely to cause serious harm to self or others or is gravely disabled; and (2) the person's acute behavioral health crisis will be resolved during admission to the crisis residential center.</p> <p>Once transported: The court will set a hearing to be held within 72 hours of the person's arrival to an evaluation facility or crisis residential center.</p> <p>If at any time, an evaluating mental health professional determines the person does not meet the criteria, they must discharge the person and notify the court. The court will cancel the hearing. Otherwise, a petition for 30-day commitment (<i>see "Inpatient and Outpatient Treatment" on pages three and four</i>) or for a seven-day hold at a crisis residential center may be filed with the court before the scheduled hearing.</p>			
<p>What's the duration of the hold?</p>	<p>72 hours.</p>	<p>If an ex parte order is issued, the person may be held for up to seven days pending transportation to an evaluating facility or residential crisis center, where the person may be held for up to 72 hours.</p>		
<p>Who decides whether to continue to a hearing?</p>	<p>Evaluating mental health professional.</p>			
<p>Is there a form?</p>	<p>The statewide petition forms for commitment are available under Mental Commitment on the <u>Alaska Court System's Forms page</u>.</p> <table border="1" data-bbox="424 1421 2620 1528"> <tr> <td data-bbox="424 1421 1483 1528"> <p>The emergency evaluation petition is labeled "MC-100 Petition for Order Authorizing Hospitalization for Evaluation."</p> </td> <td data-bbox="1483 1421 2620 1528"> <p>"MC-105 Notice of Emergency Detention and Application for Examination"</p> </td> </tr> </table>		<p>The emergency evaluation petition is labeled "MC-100 Petition for Order Authorizing Hospitalization for Evaluation."</p>	<p>"MC-105 Notice of Emergency Detention and Application for Examination"</p>
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CRITERIA	Mentally ill, and, as a result, is likely to cause harm to self or others or is gravely disabled.
Who can initiate?	 Two mental health professionals who have examined the person during emergency evaluation.*
How?	File petition with the Superior Court.
When can outpatient be court-ordered	<p>Following an emergency evaluation.</p> <p>For outpatient treatment orders upon discharge from hospital, see “Outpatient Treatment Following Hospitalization” on page five.</p>
Required documentation?	<ul style="list-style-type: none"> • The person is under an emergency evaluation hold;* • Signature by two mental health professionals who have examined the person, one of whom is a physician, on the petition; • If the person is gravely disabled, state belief that the person’s mental condition could be improved by the treatment sought; • State if specific less restrictive alternative treatment is sought, and supporting basis; • Specify treatment facility or less restrictive alternative that is appropriate for the person’s condition that has agreed to accept the person; <i>and</i> • List the facts and specific behavior that support belief that the person meets criteria.

KEY DEFINITIONS

- **“Ex parte”** refers to a situation where a judge decides or acts after hearing from only one party, usually because something is urgent and cannot wait for a full hearing.
- **“Gravely disabled”** means a condition in which, as a result of mental illness:
 - The person is in danger of physical harm from complete neglect of basic needs for food, clothing, shelter, or personal safety, making serious accident, illness, or death highly probable without care by another; or
 - The person is so incapacitated as to be incapable of surviving safely in freedom.
- **“Health officer”** means a federally certified health care provider, public health nurse, emergency medical technician, paramedic, firefighter, or a person authorized by the court.
- **“Least restrictive alternative”** means mental health treatment facilities and conditions of treatment that:
 - are no more harsh, hazardous, or intrusive than necessary to achieve the treatment objectives of the patient; *and*
 - involve no restrictions on physical movement nor supervised residence or inpatient care except as reasonably necessary for the administration of treatment or the protection of the patient or others from physical injury.
- **“Likely to cause serious harm”** means a person who:
 - Poses a substantial risk of bodily harm to self, as shown by recent behavior causing, attempting, or threatening such harm;
 - Poses a substantial risk of harm to others, as shown by recent behavior causing, attempting, or threatening harm, and is likely in the near future to cause physical injury, physical abuse, or substantial property damage; or
 - Manifests a current intent to carry out plans of serious harm to self or others.
- **“Mental health professional”** is someone who is licensed and trained to treat mental health conditions. This includes:
 - Psychiatrists and other medical doctors.
 - Clinical psychologists and psychological associates.
 - Advanced practice nurses and nurses with a master’s degree in psychiatric nursing.
 - Licensed marriage and family therapists.
 - Licensed professional counselors and associate counselors.
 - Licensed clinical social workers.
- It also includes someone who:
 - Has a master’s degree in a mental health field,
 - Has at least one year of work experience after earning that degree in mental health or mental illness, *and*
 - Works under the supervision of one of the licensed professionals listed above.
- **“Mental illness”** means a condition that substantially affects a person’s ability to control their actions, understand what is real (“perceive reality”), or think and reason clearly. Conditions like intellectual or developmental disabilities, epilepsy, drug addiction, and alcoholism are not automatically considered mental illnesses on their own, but a person with any of these conditions can also have a mental illness.
- **“Professional person in charge”** means the senior mental health professional at a facility or that person’s designee. In the absence of a mental health professional, it means the chief of staff or a physician designated by the chief of staff.
- **“Screening investigation”** is when someone looks into the reports that a person may need emergency mental health care. It includes talking to the person who made the report, any other important witnesses who can be easily reached, and, if possible, the person the report is about. It also involves checking the reliability and credibility of the information and the people providing.

*see “Emergency Evaluation” on pages one and two
(continued on next page)

<p>What's next?</p>	<p>The court will hold a hearing on the petition at the date and time previously scheduled during the person's emergency evaluation hold.*</p> <p>At the conclusion of the hearing: If the court finds, by clear and convincing evidence, that the person meets the criteria, the court may order the person to inpatient treatment. If the court finds a viable, less-restrictive alternative that the person has been advised of and refused, the court may order outpatient treatment if the program accepts the person.</p>
<p>Who issues the treatment order?</p>	<p>Superior Court.</p>
<p>Who makes discharge decisions?</p>	<p>The professional person in charge, who shall send a certificate to the court or the court upon petition.</p>
<p>Who supervises the treatment plan?</p>	<p>Outpatient care provider.</p>
<p>How long can the first treatment order last?</p>	<p>For not more than 30 days.</p>
<p>What's the renewal process?</p>	<p>At any time during the 30-day commitment, the professional person in charge may file a petition for a 90-day commitment stating that the person has received appropriate and adequate care and treatment during the initial order and needs further court-ordered treatment. The court will schedule a hearing to determine whether to issue a continued order by the same standards as the initial order.</p> <p>The person must be released at the expiration of 90 days unless a petition for a 180-day commitment is filed. Successive 180-day commitments are permissible on the same grounds and under the same procedures. The person must be released at the expiration of 180 days unless the professional person in charge or the attorney general files another 180-day petition or a petition for up to two years.</p>
<p>What's the discharge process?</p>	<p>The professional in charge must discharge a person at any time if the person no longer meets the criteria for commitment. A certificate shall be sent to the court, which shall enter an order terminating the commitment.</p> <p>A person may petition for early discharge at any time during the commitment by presenting some evidence that the person is no longer likely to cause serious harm to self or others, except within 180 days after entry of an initial order or a final order on a previous petition for early discharge.</p>
<p>Is there a form?</p>	<p>The statewide petition forms for commitment are available on the Alaska Court System's Forms page under Mental Commitment. "MC-110 Petition for 30-Day Commitment"</p>

*see "Emergency Evaluation" on pages one and two

CRITERIA	<p>All of the following:</p> <ul style="list-style-type: none"> • Presently under a court-order for inpatient treatment; • Inpatient treatment is not necessary to prevent harm to self or others; <i>and</i> • The person’s condition is likely to improve with outpatient treatment.
When can outpatient be court-ordered?	Upon discharge from involuntary inpatient treatment (hospitalization).*
Who can initiate?	 Professional person in charge of the facility at which the person is receiving court-ordered inpatient treatment.
How?	Find that the person meets criteria.
Required documentation	<ul style="list-style-type: none"> • Outpatient care provider has agreed to accept the person. • Conditions of early release; a copy must be given to the person, their attorney and guardian, if any, the outpatient care provider, and the court.
What’s next?	<p>The person will be discharged early from inpatient treatment to outpatient treatment.</p> <p>If, during the treatment period, the outpatient provider determines the person can no longer be treated on an outpatient basis because the person is likely to cause harm to self or others or is gravely disabled, the provider must give the person oral and written notice to return to the inpatient treatment facility within 24 hours. If the person fails to return within 24 hours, the professional person in charge may request peace officers to take the person into custody and transport the person to the facility. A member of the treatment facility staff may accompany the peace officer.</p>
Who issues the treatment order?	Professional person in charge,
Who supervises the treatment plan?	Provider of outpatient care,
How long can the first treatment order last?	Not to exceed the duration of the original court-order for inpatient treatment,
What’s the renewal process?	If the outpatient provider determines the person needs further court-ordered treatment, they may petition the court following the renewal process provided for “Inpatient and Outpatient Treatment” on pages 3 & 4.
What’s the discharge process?	<p>The professional person in charge shall discharge a person at any time if the person no longer meets the criteria. A certificate shall be sent to the court, which shall enter an order terminating the commitment.</p> <p>A person may petition for early discharge at any time during the commitment by presenting some evidence that the person is no longer likely to cause serious harm to self or others, except within 180 days after entry of an initial order or a final order on a previous petition for early discharge.</p>
Is there a form?	The statewide petition forms for commitment are available under Mental Commitment on the Alaska Court System’s Forms page . (“MC-420 Conditions of Early Release to Outpatient Treatment”)

*For outpatient treatment following an emergency evaluation, see “Inpatient and Outpatient Treatment” on pages three and four.