

## Process for Involuntary Court Ordered Admission Judge Gonzalez – District Court Clark County

### 1. FILING DISCHARGE AND TRANSFER NOTICES

Section III of the CMO requires the petitioner (hospitals) to file a notice of discharge or transfer with the court. I have attached some template forms to assist the hospitals with this process.

CMO Section III specifically requires the following:

#### **III. DISCHARGE OR TRANSFER**

A. Pursuant to NRS 433A.220(3), Petitioner may discharge the person subject to the Petition prior to the hearing date.

B. If the Petitioner discharges the person subject to the Petition, the Petitioner shall, not later than 24 hours after discharge, file with the Court and serve all registered users a notice of discharge of the person subject to the Petition and request dismissal of the Petition.

C. If the Petitioner transfers the person subject to the Petition to a different facility, the Petitioner shall, not later than 24 hours after transfer, file with the Court and serve all registered users the change in the location of the person subject to the Petition

**The Court has been allowing the hospitals to call in a few hours before the calendar to inform the court which patients they will be bringing to the hearing. This option will no longer be available.** Every petition that is filed creates a new case in our system and we must have a record of closure either through the attached forms or through the court calendar. Therefore, if the hospital does not file a discharge or dismissal notice with the court prior to the hearing, the court clerk will include the case on the calendar regardless of the patient's presence and may set an order to show cause for repeated violations.

### 2. PROOF OF SERVICE OF THE CMO AND PETITION

Section II of the CMO requires **filing of proof of service no later than 48 hours prior to the hearing**. Failure to properly serve the Petition may result in dismissal. The Court may set an order to show cause for repeated violations.

### 3. SERVICE OF THE MASTER RECOMMENDATION AND ORDER TO THE PATIENT

The Master Recommendation and Order is issued after each case on calendar is heard. In cases where the MRAO results in a commitment, and where the hearing is being done via video, the **MRAO needs to be served upon the patient by the hospital**. This is very important because Section VII of the CMO provides a 24-hour period for objections to be made that begins when the MRAO is served. **If no service is done, the Judge will not sign off on the recommendation and the hospital will have no legal authority to continue to hold the patient.**

There are a few ways service can be accomplished by the hospital:

- 1) The hospital can serve the patient with the MRAO after the hearing and then file a certificate of service with the court.
- 2) The hospital can serve the patient with the MRAO in open court on the record.
- 3) The hospital can transport the patient to Rawson Neal where the patient can be served by the court.

With regards to option 2, we are in the process of setting up a system where the hospital can access the MRAO in real time during the hearing via computer. This option would work well for hospitals who have a computer and printer in or near the room they use for hearings. For hospitals who are interested in this option they should contact our Assistant Court Administrator who heads IT, his name is Mike Doan and he can be reached at 702-671-0746.

#### 4. CONDITIONAL DISCHARGE

After commitment, the hospital must file a written notice of conditional release if a patient is released:

**NRS 433A.327 Conditional release of person in program: When allowed; no liability of State; notice to court, district attorney and legal guardian; order to resume participation in program; judicial review of order to resume participation in program.**

3. A person who is involuntarily admitted to a program of community-based or outpatient services may be conditionally released only if, at the time of the release, *written notice is given to the court which ordered the person to participate in the program, to the attorney of the person and to the district attorney of the county in which the proceedings for admission were held.*

**NRS 433A.390 Release without further order of court at end of period specified; unconditional early release; notice to court and legal guardian.**

1. When a consumer, involuntarily admitted to a mental health facility or to a program of community-based or outpatient services by court order, is released at the end of the period specified pursuant to [NRS 433A.310](#), *written notice must be given to the admitting court and to the consumer's legal guardian at least 10 days before the release of the consumer.* The consumer may then be released without requiring further orders of the court. If the consumer has a legal guardian, the facility or the professional responsible for providing or coordinating the program of community-based or outpatient services shall notify the guardian before discharging the consumer from the facility or program. The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team or the professional responsible for providing or coordinating the program of community-based or outpatient services. If the legal guardian does not inform the facility or professional as to where the consumer will be released within 3 days after the date of notification, the facility or professional shall discharge the consumer according to its proposed discharge plan.

2. A consumer who is involuntarily admitted to a mental health facility may be unconditionally released before the period specified in [NRS 433A.310](#) when:

(a) An evaluation team established under [NRS 433A.250](#) or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, determines that the consumer has recovered from his or her mental illness or has improved to such an extent that the consumer is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from the evaluation team or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the medical director of the mental health facility authorizes the release and *gives written notice to the admitting court and to the consumer's legal guardian at least 10 days before the release of the consumer*. If the consumer has a legal guardian, the facility shall notify the guardian before discharging the consumer from the facility. The legal guardian has discretion to determine where the consumer will be released, taking into consideration any discharge plan proposed by the facility assessment team. If the legal guardian does not inform the facility as to where the consumer will be released within 3 days after the date of notification, the facility shall discharge the consumer according to its proposed discharge plan.

3. A consumer who is involuntarily admitted to a program of community-based or outpatient services may be unconditionally released before the period specified in [NRS 433A.310](#) when:

(a) The professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer determines that the consumer has recovered from his or her mental illness or has improved to such an extent that the consumer is no longer considered to present a clear and present danger of harm to himself or herself or others; and

(b) Under advisement from an evaluation team established under [NRS 433A.250](#) or two persons professionally qualified in the field of psychiatric mental health, at least one of them being a physician, the professional responsible for providing or coordinating the program of community-based or outpatient services for the consumer authorizes the release and gives written notice to the admitting court at least 10 days before the release of the consumer from the program.