

To: Senator Wilson

From: Nancy Meade, Alaska Court System

Subject: SB 124 – Clarification of Testimony

At yesterday's Health and Social Services Committee hearing, I responded to a question about whether a respondent had an attorney in the proceeding. I would like to supplement my answer, because I now believe the question was likely meant to address different stages of the process.

I was asked whether a respondent who would be held at a crisis residential center would be appointed an attorney to represent his or her interests. I pointed out page 5, lines 14-18 and the process described there for having a hearing, and the specific provision for the Public Defender to represent the respondent. That provision applies when a person leaves a crisis residential center, is readmitted within 24 hours of leaving, and is not willing to remain there voluntarily.

But that does not apply to a person's initial admission to a crisis residential center. For the initial admission, the person does not have a right to have an attorney appointed, as I read the bill. Instead, under section 4, page 3, lines 3-12, a person may be initially admitted to a crisis residential center for up to 120 hours under a court order that could be issued after a "professional person in charge" submits an ex parte application to the court. According to section 4 of the bill, the court bases its decision as to whether the person should be detained on the ex parte application, and the respondent is not entitled to appointed counsel at that stage of the process. If the process moves forward into an involuntary hospitalization, involuntary mental commitment, or involuntary administration of certain medication, then the existing statutory procedures, which include the right to counsel, would apply.

Thank you for the opportunity to clarify my response with respect to the separate processes and stages as described in SB 124.