

Subcommittee on Involuntary Commitments and the Involuntary  
Administration of Psychotropic Medications  
3-5-09

Present:

Judge Morgan Christen - Co-Chair  
Judge Peter Michalski – Co-Chair (joined at 3:25)  
Master John Duggan  
Linda Beecher  
Elizabeth Brennan  
Elizabeth Russo  
Doug Wooliver – subcommittee staff via teleconference

Meeting convened at 2:35 p.m.

The committee further refined proposed rules to govern procedures related to involuntary commitments and the involuntary administration of psychotropic drugs.

Involuntary commitments

- (a) Within 72 hours after respondent arrives at a designated treatment facility the court shall hold an involuntary commitment hearing.
- (b) If the hearing is before a master, the master's written findings and recommendation shall be distributed within 48 hours after the hearing to the parties and the superior court. If the hearing is before a judge, the court's order on the petition shall be issued within 48 hours of the hearing.
- (c) Parties may request distribution of the master's recommendation or the court's decision by First-Class U.S. Mail, facsimile, or email. Parties shall be responsible for providing the court with the contact information necessary to complete distribution by the means requested.
- (d) Parties may file objections to the master's recommendation in the superior court within 48 hours after distribution of the master's recommendation, or within such additional time as the court may allow. If no objection is filed, the superior court shall review the master's recommendation and issue an order on the petition within 48 hours. If an objection is filed and neither party makes application to submit new evidence, the superior court shall schedule a hearing to be held within 48 hours where the parties shall make oral argument based upon the existing record. If either party wishes to submit written briefing, it shall be filed by the time of the hearing. If an objection is filed and the court allows new evidence, the court shall schedule a hearing as soon as possible.

Involuntary Administration of Psychotropic Drugs

- (a) Upon receipt of a petition for the involuntary administration of psychotropic medications, the court shall hold a hearing as soon as possible.
- (b) If the hearing is before a judge, the judge may enter a final order immediately but not later than 48 hours after the hearing. Once entered, the judge's order is effective.
- (c) If the hearing is held before a master, the master shall make a recommendation on the record and provide the non-prevailing party the following options:
  - (i) object to the master's recommendation;

- (ii) reserve the right to object to the master's recommendation;
  - (iii) not object to the master's recommendation.
- (d) If the respondent opts to not object, the master's recommendation shall take effect immediately and medications may be administered.
- (e) If the respondent reserves the right to object, or objects, the master's recommendation is not effective for 48 hours and no medication may be administered except as authorized by AS 47.30.838. The master's written findings and recommendations shall be distributed within 48 hours after the hearing if the respondent reserves the right to object or objects.
- (f) Parties may request distribution of the master's recommendation or the court's decision by first class U.S. mail, facsimile, or email. Parties shall be responsible for provision the court with the contact information necessary to complete distribution by the means requested.
- (g) Parties may file objections to the master's recommendation in the superior court within 48 hours after distribution of the master's recommendation or within such additional time as the court may allow. If no objection is filed, the superior court shall review the master's recommendation and issue an order on the petition within 48 hours. If an objection is filed and neither party makes application to submit new evidence, the superior court shall schedule a hearing to be held within 48 hours where the parties shall make oral argument based upon the existing record. If either party wishes to submit written briefing, it shall be filed by the time of the hearing. If an objection is filed and the court allows new evidence, the court shall schedule a haring as soon as possible.

The next subcommittee meeting is scheduled for April 2<sup>nd</sup>, from 2:30 to 4:30 in the Prow Conference Room.