

Matter of Paige M.
Supreme Court of Alaska.
December 21, 2018
433 P.3d 1182
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Supreme Court of Alaska.

***1182** In the MATTER OF the Necessity for the Hospitalization of PAIGE M.

Supreme Court No. S-16834
December 21, 2018
Rehearing Withdrawn February 4, 2019

On Appeal Motion to Set Aside or Vacate Order or Judgment

***1183** Appeal from the Superior Court of the State of Alaska, First Judicial District, Sitka, Leonard Devaney, Judge pro tem. Superior Court No. 1SI-16-00074 PR

Attorneys and Law Firms

Michael Jude Pate and Rachel E. Cella, Assistant Public Defenders, and Quinlan Steiner, Public Defender, Anchorage, for Paige M.

Anna Jay, Assistant Attorney General, Anchorage, and Jahna Lindemuth, Attorney General, Juneau, for State of Alaska and Department of Health and Social Services.

Before: Bolger, Chief Justice, Winfree, Stowers, Maassen, and Carney, Justices.

OPINION

BOLGER, Chief Justice.

I. INTRODUCTION

***1** A psychologist at a mental health clinic petitioned to have a patient involuntarily hospitalized. The superior court held a hearing on the petition at which only the psychologist gave substantive testimony. The court granted the petition, and the patient was hospitalized. The patient now appeals the court's denial of her motion to vacate the involuntary hospitalization order. Because the superior court failed to conduct a screening investigation that met statutory requirements, and because this failure was not harmless error, we reverse the superior court's denial of the patient's motion to vacate.

***1184 II. FACTS AND PROCEEDINGS**

In November 2016 a psychologist at Neurobehavioral Consultants, LLC filed a "Petition for Order Authorizing Hospitalization" of Paige M.,¹ an individual the clinic had been treating for approximately one year.² The psychologist indicated on the petition form that she had interviewed Paige one week