

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT _____

In the Matter of the Necessity)
for the Hospitalization of:)
)
)
_____,)
Respondent.)
_____)

Case No. _____

**PETITION FOR 30-DAY
COMMITMENT**

As mental health professionals who have examined the respondent, the petitioners allege that:

1. The respondent is mentally ill because:

"Mental illness" means an organic, mental, or emotional impairment that has substantial adverse effects on a person's ability to exercise conscious control of their actions or ability to perceive reality or to reason or understand; intellectual disability, developmental disability, epilepsy, drug addiction, and alcoholism do not per se constitute mental illness, although persons suffering from these conditions may also be suffering from mental illness. (AS 47.30.915)

2. As a result of being mentally ill, the respondent is:

Likely to cause serious harm to himself or herself because:

Likely to cause serious harm to others because:

"Likely to cause serious harm" means a person who (A) poses a substantial risk of bodily harm to that person's self, as manifested by recent behavior causing, attempting, or threatening that harm; (B) poses a substantial risk of harm to others as manifested 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 to another person; or (C) manifests a current intent to carry out plans of serious harm to that person's self or another. (AS 47.30.915)

Gravely disabled under AS 47.30.915(9)(A) AS 47.30.915(9)(B) and their mental condition could improve with treatment because:

"Gravely disabled" means a condition in which a person as a result of mental illness (A) is in danger of physical harm arising from such complete neglect of basic needs for food, clothing, shelter, or personal safety as to render serious accident, illness, or death highly probable if care by another is not taken [AS 47.30.915(9)(A)]; or (B) will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior causing a substantial deterioration of the person's previous ability to function independently. [AS 47.30.915(9)(B)] Note: In *Wetherhorn v. Alaska Psychiatric Institute*, 156 P.3d 371 (Alaska 2007), the Alaska Supreme Court concluded that AS 47.30.915(9)(B) "is constitutional if construed to require a level of incapacity so substantial that the respondent is not 'capable of surviving safely in freedom.'" (AS 47.30.915)

3. Commitment in a treatment facility is appropriate because evaluation staff have considered but not found any less restrictive alternative that would adequately protect the respondent and the public and meet the respondent's treatment needs.

"Least restrictive alternative" means mental health treatment facilities and conditions of treatment that (A) are no more harsh, hazardous, or intrusive than necessary to achieve the treatment objectives of the patient; and (B) 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. (AS 47.30.915)

4. _____ is an appropriate treatment facility for the respondent's condition and has agreed to accept the respondent. The evaluation staff has considered, but has not found, any less restrictive alternatives available that would adequately protect the respondent or others.
5. The respondent has been advised of the need for, but has not accepted, voluntary treatment.
6. The following persons are prospective witnesses, some or all of whom will be asked to testify in favor of the commitment of the respondent at the hearing:

7. Additional Information:

The petitioners respectfully request the court to commit the respondent to the above-named treatment facility for not more than 30 days.

Date

Signature of Mental Health Professional

Printed Name

Title

Date

Signature of Mental Health Professional

Printed Name

Title

Note: This petition must be signed by two mental health professionals who have examined the respondent, one of whom is a physician. AS 47.30.730(a).