

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 180-DAY COMMITMENT

As a mental health professional who has examined the respondent, the petitioner alleges that:

- During the respondent's ____ day commitment, the respondent:
 - continues to be gravely disabled and there is reason to believe that the respondent's mental condition could be improved by a continued course of treatment.
 - has attempted to inflict or has inflicted serious bodily harm upon himself/herself or another since his/her acceptance for evaluation.
 - was committed initially as a result of conduct in which he/she attempted or inflicted serious bodily harm upon himself/herself or another.
 - demonstrates a current intent to carry out plans of serious harm to himself/herself or another.

2. 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)

3. 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)

4. 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)

5. _____ 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.

6. The respondent has received appropriate and adequate care and treatment during his/her _____ day commitment.

7. The respondent has been advised of the need for, but has not accepted, voluntary treatment.

8. 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:

9. Additional Information:

The petitioner respectfully requests the court to commit the respondent to the above-named treatment facility for not more than 180 days.

Date

Signature of Professional In Charge or their Designee

Print Name and Title