

REQUEST FOR CLARIFICATION/INTERPRETATION

TO:	Name and Title: Jannis Conselyea, Bureau Chief	FROM:	Name and Title: Leslie Howe, Services Coordinator
	Organizational Unit: DDP		Organizational Unit: DDP
	Address: 111 Sanders, Helena, Mt		Address: 111 N Sanders St, Helena, MT

1. TYPE OF REQUEST: Follow-up to Verbal Request - Date of Verbal Request: _____ Written Request

2. STATEMENT OF QUESTION OR ISSUE: commitment timelines

- (1) What are the timelines for getting the packet of commitment information to the residential facility screening team and for the residential facility screening team to respond to a petition for commitment?
- (2) Are the timelines different if it is an emergency commitment?
- (3) What is the timeline for appealing the determination recommending a commitment?

References: *POLICY ON CRITERIA AND PROCEDURES FOR CIVIL COMMITMENTS OF PERSONS WITH DEVELOPMENTAL DISABILITIES*
published 10/1/08 and distributed 2/12/09

ANSWER: (1) The timeline for getting the packet of commitment information to the residential facility screening team is within three working days of filing the petition for a commitment to MDC. The residential facility screening team will report back to the court by the close of business (5:00 PM) on or before the 15th judicial day after the court has referred the petition to the residential facility screening team.

(2) If it is an emergency commitment, the timeframe for getting the packet to the residential facility screening team is within two working days of the filing of the petition. The residential screening team must report back to the court by the close of business (5:00PM) on or before the 7th judicial day following an emergency placement at MDC. The petition must be filed by the county attorney by the close of the judicial day (5:00 PM) following the emergency admission to MDC.

(3) Determinations by the residential facility screening team that recommend commitment may be challenged in the state district court in which the petition was filed by requesting a hearing on the petition in writing within 15 days from receipt of the residential facility screening team report.

References:

Approved and Issued by:


 _____ Program Director
 Date: 5-21-10

STATE USE ONLY	4: DISTRIBUTION: One Copy: _____ One Copy: _____ One Copy: _____ Additional Copies: _____ <input type="checkbox"/> _____	Requestor Manual Coordinator Division Files	5: FOLLOW-UP: <input type="checkbox"/> To be issued as Bulletin to: _____ (Division Administrator) Manual. Expected Date of Issuance: _____ <input type="checkbox"/> A.R.M. Change <input type="checkbox"/> State Plan Change
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