

**Inpatient Mental Health and Substance Abuse
Treatment for Minors**

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Mental Health Flow Chart

MENTAL HEALTH FLOW CHART

Emergency Inpatient Commitment of Alleged/Adjudicated Deprived Children

1. Alleged/Adjudicated deprived child in need of inpatient mental health treatment
2. Child may be admitted on emergency basis following a "medical necessity review" for up to five (5) days (excluding week-ends and holidays)
43A O.S. §5-507
3. Notice of admission to child's attorney, D.A., Judge, parent's attorney, CASA within twenty-four (24) hours of admission
4. Evaluation and submission of report within forty-eight (48) hours of admission (excluding week-ends and holidays). Evaluation report to contain 43A O.S. §5-508 findings
5. If evaluation recommends in-patient treatment, DA files Petition within three (3) days of receipt of report
43A O.S. §§5-507, 5-509
6. D.A obtains order from the court setting hearing date and authorizing detention of the child in the facility for no longer than necessary for a hearing on the petition
43A O.S. §5-507
7. Judge sets hearing in one (1) to three (3) judicial days 43A O.S. §5-510
8. Facility submits proposed treatment plan to court twenty-four (24) hours in advance of hearing
43A O.S. §5-509
9. Hearing on petition for inpatient treatment, order good for thirty (30) days 43A O.S. §5-512
10. Final individualized treatment plan by facility due ten (10) days after order authorizing treatment
43A O.S. §5-513
11. Case reviewed every thirty (30) days. Facility submits report on progress! Recommendations three (3) days prior to hearing
43A O.S. §5-512

**Inpatient Mental Health and Substance Abuse
Treatment of Minors Act**

Senate Bill No. 674
Oklahoma Statute O.S. 2001, section 5-502

SAMPLE PLEADINGS:

1. Petition

2. Summons and Notice to Appear

3. Appearance and Waiver of Summons

4. Order Setting Hearing and Directing
Pre-hearing Detention

5. Order for Involuntary Commitment to
Inpatient Treatment

**IN THE DISTRICT COURT,
STATE OF OKLAHOMA
Juvenile Division**

**IN THE MATTER OF: A minor
alleged to be in need of
inpatient mental health or
substance abuse treatment.**

No. _

PETITION

Comes now, the duly qualified and acting District Attorney, who prosecutes in the name of and by the authority of the State of Oklahoma, and respectfully represents and states to the Court as follows:

(Name) DOB: Address:

of County, State of Oklahoma is a minor who comes within the purview of the Inpatient Mental Health and Substance Abuse Treatment of Minors Act (43A O.S. §5-501 et seq), to-wit: (choose *one*)

() That said minor has a demonstrable mental illness or is drug or alcohol dependent and as a result of that mental illness or dependency can be expected within the near future to inflict or attempt to inflict serious bodily harm to himself or herself or another person, and who has engaged in one or more recent overt acts or made significant recent threats which substantially support that expectation, **OR**

() That said minor has a demonstrable mental illness or is drug or alcohol dependent of sufficient severity to cause substantial impairment or disability in at least two of the following major areas of functioning in the minor's life:

1) Family relations; 2) school performance; 3) social interactions, 4) ability to **perform independently the basic tasks of personal hygiene: hydration and nutrition**, or 5) self-protection.

That inpatient treatment is the least restrictive alternative for said minor based on failure of efforts to provide less restrictive alternatives or that less restrictive alternatives are unlikely to meet the treatment needs of the minor

That the names, relationships and addresses of the parents, legal guardian, custodian or nearest relatives of said minor are as follows:

Mother: (name/address)
Father: (name/address) Other:
(name/address) DHS:
(name/address)

WHEREFORE, Petitioner prays that the Court find by clear and convincing evidence that said minor has a demonstrable mental illness as set forth in Title 43A §5-503(2) (a) or (b).Petitioner further prays that said minor be detained in an appropriate mental health facility for inpatient treatment and that hearing be set on this matter within three (3) days..

DISTRICT ATTORNEY,
OKLAHOMA

By: Assistant District Attorney

ENDORESEMENT OF WITNESSES:

STATE OF OKLAHOMA, COUNTY, SS:

by and through the undersigned Assistant District Attorney, being first duly sworn, deposes and states that he/she has read and understands the facts and allegations in said Petition contained and that they are true to the best of his/her information and belief

VERIFIER Subscribed to and sworn to before me this ___day of "200_.

Notary Public

My Commission Expires:
My Commission Number:

IN THE DISTRICT COURT OF COUNTY
STATE OF OKLAHOMA
Juvenile Division

IN THE MATTER OF:

A minor alleged to be in need of
inpatient mental health or
substance abuse treatment.

No, _

SUMMONS AND NOTICE TO APPEAR

THE STATE OF OKLAHOMA:

TO:

You are hereby notified that a Petition has been filed herein in the above styled and numbered case, praying that the above minor be adjudged to be a Minor in Need of Treatment

A copy of said Petition is attached hereto and made a part of this Summons and Notice to acquaint you with the allegations thereof The Petition prays that the above named Minor be dealt with according to law, and for all proper orders and relief and that said matters will be heard before Judge , in Courtroom , at the County Courthouse, Juvenile Division, located at: (address), on the day of , 200_, at o'clock _.m., and you are hereby ordered and notified to be present at the foregoing time and place, and to bring and have with you the above named minor, if such minor be in your legal or physical custody IF YOU, THE ABOVE NAMED PARENT(S) AND MINOR, FAIL TO APPEAR, A BENCH WARRANT MAY BE ISSUED FOR YOUR ARREST

You are advised that the respondent parent(s), guardian or custodian, and each respondent minor is/are entitled to be represented by an attorney, at each and every stage of the proceedings and if the parties are unable because of lack of present financial resources to obtain an attorney, they are entitled upon demonstrating this fact to the Court's satisfaction, to a Court appointed attorney at no expense to such parties

You are further advised that the minor respondent and parent(s) are entitled to a trial by jury upon demand

I HEREBY CERTIFY this to be a true copy of the original Summons and Notice in the above matter with all the endorsements thereon.

, Court Clerk

IN THE DISTRICT COURT OF COUNTY
STATE OF OKLAHOMA Juvenile Division

IN THE MATTER OF:

A minor alleged to be in need of
inpatient mental health or
substance abuse treatment.

No.

APPEARANCE AND WAIVER OF SUMMONS

Comes *now* the undersigned and enter(s) a general appearance in the *above* styled and numbered case and *waives* the issuance and service of summons and notice of hearing in said case, and acknowledges receipt of a copy of the Petition

The undersigned hereby agree(s) to be present in Court with the *above* named child on the day of, 200_, at o'clock __.m., before Judge Courtroom_' of the

CHILD

PARENT, GUARDIAN OR CUSTODIAN

PARENT, GUARDIAN OR CUSTODIAN

DATE Subscribed and sworn to before me this day of, 200_

Notary Public

My Commission Expires:

My Commission No:

**IN THE DISTRICT COURT COUNTY
STATE OF OKLAHOMA
Juvenile Division**

IN THE MATTER OF:

**A minor alleged to be in need
of inpatient mental health or
substance abuse treatment.**

No,

**ORDER Setting HEARING AND DIRECTING
PREHEARING DETENTION**

A Petition in proper form has been filed alleging that, is a minor in need of treatment, and requesting this Court enter an order for inpatient treatment

It is the opinion of the Court that for the protection of the minor or others, the minor should be detained at a mental health facility until a hearing on the Petition in this matter

IT IS THEREFORE ORDERED that the hearing on the Petition shall be held on the _day of ,200_, at o'clock _m, at the following location: (address)

IT IS FURTHER ORDERED that the minor shall be detained at _ facility, and, if necessary, the Sheriff of this County is ordered to take minor into custody and transport minor to said facility until the Petition can be heard and determined by the Court

IT IS FURTHER ORDERED that the Sheriff of this County transport minor to and from this

Court for said hearing if necessary.

Signed this day of, 200_

JUDGE OF THE DISTRICT COURT

**IN THE DISTRICT COURT OF COUNTY
STATE OF OKLAHOMA
Juvenile Division**

IN THE MATTER OF:

**A minor alleged to be in need of
inpatient mental health or
substance abuse treatment.**

No.

ORDER FOR INVOLUNTARY COMMITMENT TO INPATIENT TREATMENT

On the _ day of, 200_, the Court conducted a hearing on the Petition for involuntary commitment alleging Minor is in need of inpatient mental health or substance abuse treatment Notice of the hearing was given as required by law. State was represented by, Assistant District Attorney; Minor appeared in person and by counsel; Mother appeared in person and by counsel, Father appeared in person and by counsel; and others: _

The Court after hearing evidence and arguments from the parties, upon review of the evaluation, and after full investigation of the matter without the verdict of jury, **FINDS** the Minor has a demonstrable mental illness and is in need of inpatient treatment

The Court further **FINDS** that reasonable efforts to provide less restrictive alternative treatment () has been tried and failed to meet the Minor's needs; **OR** () are unlikely to meet the Minor's mental health needs, **AND** there are no comparably effective mental health services available to the Minor

IT IS THEREFORE ORDERED that Minor is committed to or shall remain in the custody of _
Department of Human Services Office of Juvenile Affairs Parent(s) and is to remain at
facility.

IT IS FURTHER ORDERED that the County Sheriff is authorized to transport Minor to the treating facility, if necessary, with full power and authority for that purpose.

THIS MATTER IS SET FOR FURTHER HEARING ON THE DAY OF

____,200 .

Signed this __day of ,200_.

JUDGE OF THE DISTRICT COURT