

SECOND JUDICIAL DISTRICT COURT

CIVIL COMMITMENTS

Lindsey Fooks, Hearing Officer
Special Commissioner

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albdlrf@nmcourts.gov

Who?

Special Commissioners

Lindsey Fooks, LaDonna Giron, and Andrea Gunderson

Petitioner's Counsel

Rey Montaña - District Attorney contract counsel

Respondent's Counsel (Joint Ventures)

Joyce Gentry, Travis Scott, Jeanne Smith, Dayan Hochman-Vigil, and Nate Gentry

Note: Attorneys contract through AOC's Court Appointed Attorney Program,
NOT the Public Defender.

What?

Civil Commitments (adult and juvenile)

Treatment Guardians (adult and juvenile)

Emergency Medication Applications

Where?

UNM Psychiatric Center – Hearing room

Other psychiatric hospitals:

Presbyterian Kaseman

Veteran's Administration

Lovelace

Central Desert

Haven Behavioral Health Hospital

UNM Children's Psychiatric Center

> New Mexico Behavioral Health Institute (Las Vegas, NM)

When?

Dockets are held 3 days per week

Every Tuesday, Thursday, and Friday morning

How?

Petition filed (by medical provider)

Petition processed, enter by Court – Hearing set within 5-7 days statutory timeline

Respondent's Counsel meets with clients

In-person and hybrid hearings

(testimony from MH professional(s), social worker(s), family, Respondent)

Reviews of rights, impact of involuntary civil commitment

Burden of proof: clear and convincing evidence

Special Commissioner drafts order with their findings and recommendations for the Judge's review and approval, entered into the record.

Findings

- Respondent has a mental disorder;
- As a result of Respondent's mental disorder, Respondent presents a likelihood of serious harm to self or others (adults only);
- Respondent needs treatment;
- Respondent is likely to benefit from treatment;
- Commitment is consistent with treatment needs; and
- Commitment is consistent with the least drastic means principle

Civil Commitment - Common Diagnoses

Schizophrenia

Schizoaffective Disorder

Bipolar Disorder with psychotic features

Unspecified Psychosis

Major Depressive Disorder

Major Neurocognitive Disorder

Civil Commitment - Common Symptoms

- Paranoia
- Delusions
- Auditory hallucinations
- Visual hallucinations
- Responding to internal stimuli
- Mania
- Disorganized thoughts
- Grave passive neglect
- Incoherent/disordered speech
- Suicidal ideation
- Homicidal ideation
- Major depression
- Catatonia
- Malnutrition

Civil Commitments

What the Court can do

Order an involuntary civil commitment to a psychiatric facility

- Initial petition (adult) – up to 30 days
- Extension petition (adult) – up to 6 months or 1 year

Requires additional findings: that extended treatment is likely to improve the client's condition and that the proposed extended commitment is consistent with the least drastic means principle,

- Juvenile petition – up to 60 days

Requires a renewed petition every 60 days

Find the burden of proof for involuntary civil commitment has not been met

Civil Commitments

What the Court does not do

Diagnose respondents

Prescribe medications or treatment plans

Order specific treatment plans

Order compliance with a treatment plan (in-patient or out-patient)

Order participation in out-patient treatment

Order a specific discharge date

Order a specific discharge plan

Approximation of the Number of Civil Commitment Petitions Filed Yearly

- FY19- 1434
- FY20- 1407
- FY21- 1262
- FY22- 855
- FY23-945
- FY24 (thus far) – 823

Note: this data is reflects an approximation of the number of civil commitment cases filed each fiscal year; it does not reflect the number of individuals or the outcomes of the cases.