



20TH JUDICIAL DISTRICT OF COLORADO

ADMINISTRATIVE ORDER 07-102

**SUBJECT: Pick-Up Orders for Individuals Certified Pursuant to
C.R. S. 27-10-101 et. seq.**

To: Judges and Magistrates, District Administrator, Clerk of Court, Probate Registrar, Sheriff, Division Manager of the Jail, Boulder County Attorney, Mental Health Partners and Criminal Justice Operations Board

From: Roxanne Bailin DATE: June 5, 2013
Chief Judge, 20th Judicial District

This order replaces 20th Judicial District Administrative Order 07-102 versions dated 11/13/07, 11/20/07 and 4/15/13.

Individuals certified pursuant to C.R.S. 27-65-101 et seq. because they have been found to be a danger to others or themselves, or gravely disabled may, at the discretion of the Mental Health Partners (MHP), live independently. On occasion, such individuals do not respond to the requirements of the MHP to attend appointments.

Accordingly, a procedure for bringing such individuals to the MHP or to the hospital is necessary. Attached to this order are the procedures and accompanying forms developed by and approved by the Boulder County Attorney that shall be used in this district to pick up certified individuals. The language in the order: "If Respondent does not reply to contacts initiated by Sheriff's personnel at his/her door, Sheriff's officers are hereby authorized to enter Respondent's residential premises for the purpose of taking Respondent into custody" derives from the opinion of the Boulder County Attorney that such entry is lawful. The Clerk of the Court, Probate Registrar or designees are directed to immediately change the certification order consistent with the additional language provided in the attachment called New Language. They are also directed to train staff that will receive and process the forms associated with these procedures as soon as possible.

The Mental Health Partners is requested to use the forms attached hereto to send notice to the certified individual and to request a pick-up order. It is also requested to train its staff to use this procedure and these forms as soon as possible.

The Sheriff and the Division Manager of the Jail are requested to train their staff and deputies to use this procedure and these forms as soon as possible.

Hon. Roxanne Bailin
Chief Judge
Twentieth Judicial District

Attachments: Certification Order Language
Procedures for Post-Certification Pick-Up and Transport
Notice to Respondent and Attorney (24 Hour Notice)
Letter Requesting Pick-Up and Transport of Respondent
Order

CERTIFICATION ORDER LANGUAGE

Language for addition to short and/or long term certification orders from District Court:

"The terms of this certification may permit treatment on an outpatient basis. If you are or become treated on an outpatient basis during the period of this certification and you substantially fail to comply with the requirements of your treatment or service plan, **including your failure to attend scheduled therapy or medications appointments**, your therapist or other mental health caseworker shall make reasonable efforts, including outreach, to obtain your compliance with your plan. As part of these efforts, you may be given notice at your last known address or residence that you will be picked up within 24 hours of the issuance of such notice and taken into custody for evaluation of the need for a change in the requirements of your treatment plan and/or your ability to continue to receive outpatient treatment. If such notice is issued, a copy will be faxed or mailed to your attorney. A copy of the Notice form is attached to this Order."

This language comports with the requirements the patient's advisement of rights required under CCR 19.311(B) that state:

(9) For persons who are under certification for care and treatment, to receive twenty-four (24) hour notice before being transferred to another designated or placement facility unless an emergency exists; the right to protest any transfer to the court; and the right to have the transferring facility notify someone chosen by the client about the transfer;

and

(11) To accept treatment voluntarily, unless reasonable grounds exist to believe the person will not remain in treatment on this basis;

and

(12) To receive medical and psychiatric care and treatment in the least restrictive treatment setting possible, suited to meet the person's individual needs and subject to available resources;

and

(14) To retain and consult with an attorney at any reasonable time.

This language allows the treating facility to meet the requirements of CCR 19.470 that allow:

"A person who has been treated as an inpatient involuntarily under a short-term or long-term certification for mental health treatment at a designated facility may be treated on an outpatient basis if the following conditions are met:

(A) A professional person who has evaluated the person and who is on the staff of the designated facility which has been treating the person, determines that while the person continues to meet the requirements for certification, professional judgment is that with appropriate treatment modalities in place the individual is unlikely to act dangerously in the community.

(B) Certification on an outpatient basis is the appropriate disposition suited to the person's individual needs.

(C) The designated facility that will hold the certification on an outpatient basis has documentation of the results of a recent physical examination.

(D) Arrangements have been made for the person to have access to:

1. Case management;
2. Medication management;
3. Essential food, clothing, shelter; and
4. Medical care and emergency dental care.

(E) The service plan shall reflect the outpatient certification status, the arrangements under D, 1 - 4, above, and meet the requirements in Section 19.482.2.

(F) Content of the records shall meet the requirements in Section 19.482, et. seq.

PROCEDURES FOR POST-CERTIFICATION PICK-UP AND TRANSPORT

1. The mental health facility shall verify that the patient is currently under a short or long-term certification through the Boulder County District Court.
2. The mental health facility shall document all appointments missed by the Respondent patient.
3. The treating therapist/physician shall prepare and authorize delivery and/or posting of the required 24-Hour Notice to the Respondent patient's residence. A record shall be kept by the mental health facility as to when such Notice is delivered and/or posted and who has delivered and/or posted such Notice.
4. If 24 hours have elapsed since delivery and/or posting of the Notice and the Respondent patient has not contacted or come to the mental health facility as required in the Notice, the treating therapist/physician will fill out the Letter Requesting Pick-up and Transport of Respondent and have the letter faxed or delivered to the District Court.
5. The Court will review the Letter Requesting Pick-up and Transport. If the conditions of the form Letter are met, the Court will sign the Order and fax the same to the Boulder County Sheriff's Office.
6. Upon receipt of the Court's Order for Pick-up and Transport, Sheriff's officers shall attempt to execute the Court's Order. If officers are able to execute the Order, they will deliver the Respondent to the mental health facility named in the Court's Order.
7. After execution of the Court's Order for Pick-up and Transport, the Sheriff's office shall execute a return of the Order and file the same with the District Court.

**NOTICE TO RESPONDENT AND ATTORNEY
(24 HOUR NOTICE)**

TO: (Name of Respondent)
cc: (Name of Respondent's Attorney)

FROM: (Name of Treating Therapist or Doctor)
(Name of Treating Mental Health Facility)

DATE:

You have failed to report for your scheduled appointment(s) on (give dates) at the above-named facility. You are hereby requested to immediately contact the above-named treatment provider or to physically report to (name of treating facility) within 24 hours of your receipt of this Notice.

If you fail to immediately contact your treatment provider or go to the treating facility the District Court will issue an Order authorizing you to be picked up and transported by law enforcement officers to your designated treatment facility.

LETTER REQUESTING PICK-UP AND TRANSPORT OF RESPONDENT

TO: District Court Judge

From: _____
Name Title

Treating Facility Name/Address

Re: _____
Respondent

Court Case Number

(Long)(Short) Certification Date: _____

Outpatient Commencement Date: _____

Date: _____

(Check all lines that apply to Respondent)

The Respondent mental health patient named above has failed to attend the following scheduled appointments required for his/her treatment:

___ Scheduled appointments: _____, _____, _____.

___ The scheduled appointments were for: ___therapy ___medications

___ Respondent's failure to attend such appointments indicates a likely deterioration in Respondent's mental health condition.

___ 24 hour Notice has been given to Respondent or posted at Respondent's residence.

___ Respondent is a danger to him/herself.

___ Respondent is a danger to others.

___ Respondent is gravely disabled and unable to attend to his/her basic needs.

___ Transport from Sheriff is requested to enable further mental health evaluation of Respondent's status.

LETTER TO COURT FOR TRANSPORT
RE: _____, RESPONDENT
CASE NUMBER: _____
PAGE TWO

_____ Restraints are likely to be needed for safe transport of Respondent to the facility.

The above information is true and correct to the best of my knowledge and belief.

Signature

Print Name and Title

Name of Facility

Phone number: _____

Fax number: _____

ORDER

THE COURT, having reviewed the letter from the treating therapist/physician for Respondent requesting pick-up and transportation of Respondent to: _____

(Name of treating facility),

Hereby makes the following Findings:

1. Respondent has been receiving outpatient treatment through:

_____ since _____
(Facility name) (Beginning date of outpatient treatment)

2. Respondent has failed to attend his/her past (two/three/four) scheduled appointments for therapy or medications at _____

(Facility name)

3. Respondent is believed to constitute a threat to (a) him/herself or (b) others or to be (c) gravely disabled and unable to meet his/her basic needs at this time. (Circle (a), (b), or (c) as appropriate.)

4. The treating therapist/physician believes that the failure of Respondent to attend his/her scheduled outpatient appointments indicates a high likelihood that Respondent's psychiatric condition is deteriorating.

5. A request has been made by the treating therapist/physician for assistance in transporting Respondent to the above-named facility.

6. Respondent is believed to be at the following location: _____

(Respondent's address)

7. Respondent's date of birth is: _____

8. Respondent's description is as follows:

Ht: _____ Wt: _____ Hair Color: _____ Eye Color: _____

Based on the above-related facts as alleged by the treating therapist/physician for Respondent, the Court enters the following ORDER:

Any Peace Officer is hereby authorized to proceed to Respondent's location and take Respondent into custody. If Respondent does not reply to contacts initiated by the Peace Officer at his/her door, the Peace Officer is hereby authorized to enter Respondent's residential premises for the purpose of taking Respondent into custody. At such time as Respondent is taken into custody, Respondent shall be transported with or without restraints as the Peace Officer deems appropriate to (name of treating facility).

This Order may be executed only in the County of Boulder, State of Colorado.

This Order expires at midnight of the 30th day from the date of this order, not including

the date of the Order.

Dated: _____

District Court Judge

cc: Boulder County Attorney's Office
Respondent's attorney

Sheriff's Return:

This Order was executed on _____.

Officer Signature