

## MEMORANDUM

---

TO: Mental Health/Alcohol and Drug Facilities, State and Private Hospitals, Local Mental Health Centers & Local Alcohol and Drug Centers

FROM: South Carolina Association of Probate Judges and Department of Mental Health

SUBJECT: ***MANDATORY FORMS AMENDED FOR INVOLUNTARY EMERGENCY HOSPITALIZATION FOR CHEMICAL DEPENDENCY***

DATE: April 1, 2019

---

Over the past year, the South Carolina Association of Probate Judges have been working with the Department of Mental Health to revise several forms regularly used in the emergency involuntary commitment process for individuals with chemical dependency.

**Beginning April 8, 2019**, you are required to use the following amended forms:

- (i) Part I – Affidavit for Involuntary Emergency Hospitalization for Chemical Dependency (Form M-134);
- (ii) Part II – Certificate of Licensed Physician Examination – Chemical Dependency (Form M-136);
- (iii) Notification of Emergency Admission and Appointment of Designated Examiners (Form M-138); and
- (iv) Report of Designated Examiner for Chemical Dependency (Form M-137).

If you would like electronic copies of these forms, please contact your local Probate Court or the Department of Mental Health.

Outlined below are the major changes to each of the new forms. Of particular note, it is no longer required that these forms be printed on pink paper.

### **PART I – AFFIDAVIT FOR INVOLUNTARY EMERGENCY HOSPITALIZATION**

- To address the issue of unknown residence, a new section has been added for the Affiant to list where the person alleged to be chemically dependent is currently located or where he/she was found prior to presentment to the Affiant.
- Question 2, which addresses the specific harm thought probable, was revised to allow the Affiant to select the behavior(s) the person alleged to be chemically dependent is exhibiting that warrant involuntary commitment as defined by S.C. Code § 44-52-10(11).

- If an Order of Detention is required to have the person alleged to be chemically dependent examined by a physician and for Part II to be completed, a reason must be provided in order to comply with S.C. Code § 44-52-50. Additionally, the Affiant must provide a location where a law enforcement officer can find the person alleged to be chemically dependent.

## **PART II – CERTIFICATE OF LICENSED PHYSICIAN EXAMINATION FOR EMERGENCY ADMISSION**

- At the top of this form is a reminder that Part II expires 48 hours after the date of the exam.
- The Examiner signs the second page, not the first. This should prompt the Examiner to thoroughly complete Part II in its entirety.
- The Examiner must state the name of the Treatment Facility accepting admission of the person alleged to be chemically dependent along with the address of the facility.
- If a friend or relative would like to transport the person alleged to be chemically dependent to the facility designated by the Examiner in Part II, he or she may do so, but must also sign as indicated on Part II, Page 2. S.C. Code § 44-52-50.
- If the person alleged to be chemically dependent needs to be transported by law enforcement to the facility designated by the Examiner in Part II, law enforcement is authorized to transport the patient with the original Part II without further Order from the Court. S.C. Code § 44-52-50.

## **NOTIFICATION OF EMERGENCY ADMISSION/APPOINTMENT OF DESIGNATED EXAMINERS**

- At the top of this form is a reminder that the Notification of Emergency Admission/Appointment of Designated Examiners must be submitted to the probate court processing your commitments within 48 hours of admission, exclusive of weekends and legal holidays.
- The Notification must be submitted to the probate court responsible for processing your commitments with the completed Part I and Part II.
- Within the Notification are two lines for the admitting facility's representative to state the names of the Designated Examiners they request that the probate court appoint.
- Within 48 hours of submitting Part I, Part II, and the Notification of Emergency Admission/Appointment of Designated Examiners, exclusive of weekends and holidays, you should receive from the probate court either (i) an Order for Continued Hospitalization and for Hearing or (ii) an Order for Release Based on No Probable Cause for Emergency Admission.

## **REPORT OF DESIGNATED EXAMINER FOR CHEMICAL DEPENDENCY**

- At the top of this form is a reminder that the Report of Designated Examiner must be submitted to the probate court processing your commitments within 5 days of admission, exclusive of weekends and legal holidays.
- Provides an option for the DE to find that the person alleged to be chemically dependent is chemically dependent, but no longer in need of emergency inpatient commitment. If that person is subject to an involuntary outpatient order already, you can allow that order to continue.
- Pursuant to S.C. Code §44-52-60(D)(3), if the person alleged to be chemically dependent actually needs treatment for mental illness rather than chemical dependency, then the DE can ask that the chemical dependency commitment be dropped, but allow them to file for emergency admission for that person for commitment for his/her mental illness pursuant to S.C. Code §44-17-410.
- The legal definitions for “chemical dependency,” “chemically dependent person in need of involuntary emergency commitment,” and “person with a mental illness” have been provided for the ease of the DE.