

4-950. Tribal court order for initial involuntary commitment of an adult for mental health evaluation and treatment not to exceed 30 days.

TRIBAL COURT
[NAME OF TRIBE]
STATE OF NEW MEXICO

IN THE MATTER OF _____ No. _____

_____, an adult.

**TRIBAL COURT ORDER FOR INITIAL INVOLUNTARY COMMITMENT
OF AN ADULT FOR MENTAL HEALTH EVALUATION
AND TREATMENT NOT TO EXCEED 30 DAYS**

THIS MATTER, having come before the Court upon proper notice and hearing on the petition concerning _____ (*name of petitioner*) for involuntary commitment up to thirty (30) days, the _____ (*name of residential or evaluating treatment facility*) will admit _____ (*name of adult client*) for evaluation and treatment.

The adult was represented by _____ (*name of legal representative*), appointed counsel by the Tribal Court. The adult has been afforded the opportunity to present evidence, including the testimony of a mental health and developmental disabilities professional of the adult's own choosing, to cross-examine witnesses, and to access the complete record in this case. The adult has been advised of the right to appeal this order.

THE COURT FINDS on the basis of clear and convincing evidence and by testimony of _____ (*name*), who is a physician or other professional qualified by training or experience to work with persons with a mental disorder or a developmental disability, that the adult's medical and psychological evaluations demonstrate the following.

1. Involuntary treatment is in the best interest of the adult because the adult's mental disorder creates a likelihood of serious harm to the adult's self or to others.
2. As a result of a mental disorder:
 - a. The adult needs treatment and is likely to benefit from the proposed treatment;
 - b. The involuntary commitment is consistent with the adult's treatment needs; and
 - c. The proposed involuntary commitment is consistent with the least restrictive means principle.

3. Taking into account efforts to ascertain the opinion of the adult's legal guardian, if any, involuntary treatment is necessary to maintain the health and safety of the adult. The guardian has had an opportunity to appear at every stage of the hearing by any means of communication (phone, affidavit, skype, etc.).

THE COURT HEREBY ORDERS the involuntary commitment of the adult into the custody of _____ (*name of residential or evaluating treatment facility*), pursuant to _____ (*applicable tribal statute*). The adult shall be transported to the above-named facility by _____.

IT IS FURTHER ORDERED that the adult shall be subject to the continuing jurisdiction of the tribal court, provided that any decisions regarding discharge or release from the evaluation facility shall be made by the administrator of that facility. Further, prior to discharging the adult, the facility shall make arrangements with the adult and the adult's guardian, power of attorney for health care, treatment guardian, surrogate, or other alternate decision maker and establish a plan for the adult's aftercare. Any state district court order entered for the adult for continued treatment under Section 43-1-12 NMSA 1978 or for the appointment of a treatment guardian under Section 43-1-15 NMSA 1978 that is related to this order shall be sent to the tribal court judge signing this order for informational purposes after execution in state court.

Tribal Court Judge

Prepared by: _____

[Approved by Supreme Court Order No. 18-8300-011, effective December 31, 2018.]