

Practice Standards

September 26, 2018

Section XV, Representation of a Respondent in Involuntary Commitment – Serious Developmental Disability

XV. REPRESENTATION OF A RESPONDENT IN A PROCEEDING FOR INVOLUNTARY COMMITMENT – SERIOUS DEVELOPMENTAL DISABILITY

GOALS:

- A. To actively and professionally serve as a competent advocate for the respondent who is the subject of a proceeding for commitment or re-commitment as an individual with a serious developmental disability under §53-20-112, MCA.**
- B. To abide by mandatory standards of representation for public defenders as attorney for the respondent in an involuntary commitment proceeding.**
- C. To serve the stated interests of the respondent, to be independent from the court and other participants in the litigation, including the respondent’s guardian, if any, and to be unprejudiced and uncompromised in representing the respondent.**
- D. To exercise independent and professional judgment in carrying out the duties assigned by the court and to participate fully in the case on behalf of the respondent.**
- E. In the following standards, “involuntary commitment” refers to both involuntary commitment and recommitment proceedings.**