

Rights of Montanans With Mental Illness



Protecting the Rights of People with Disabilities

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CHAPTER 1

- Your Rights During Detention 1
 - A. Emergency Detention 1
 - Interview by Mental Health Professional 1
 - Placement During Emergency Detention 1
 - B. Detention for Commission of a Misdemeanor Offense 2
 - Diversion from Jail 2
 - Intoxicated Persons May Be Detained 2
 - C. Detention Pending Commitment Hearing 2
 - Detention: 90-Day Involuntary Commitment Petition 2
 - Notice of Rights to Be Given 2
 - Detention Hearing--what Happens Now? 3
 - Detention in the Least Restrictive Environment 3
 - Placement During Detention 3
 - Your Legal Due Process Rights During Detention 4

CHAPTER 2

- Commitment Proceedings 5
 - A. Voluntary Admission to a Mental Health Facility 5
 - B. Involuntary Commitment to a Mental Health Facility 5
 - Notice of Rights to Be Given 6
 - C. Your Rights When an Involuntary Commitment Petition
Is Filed Against You 6
 - Commitment Petition: Seriously Mentally Ill 6
 - Your Rights at the Commitment Hearing 6
 - Legal Procedural Rights 7
 - Extension of Your 90-Day Commitment 8
 - Conditional Release from Inpatient Treatment 9
 - Release to Alternative Placement or Treatment 9

CHAPTER 3

Inpatient and Outpatient Rights at a Mental Health Facility	10
A. Civil and Legal Rights	10
Civil and Legal Rights Retained During Commitment or Treatment	10
Right to Be Free from Discrimination	11
Right to Receive a Statement of Your Rights and Have Rights Posted	11
Right to Have Confidential Records Maintained	11
Right of Access to Patient Advocate and Lawyer	11
B. Individual Rights of Dignity	12
Right to Be Treated with Dignity	12
Right to Privacy	12
Right to Freedom from Unreasonable Searches	12
Right to Humane and Safe Environment	12
Right Not to Be Fingerprinted	12
Right Not to Be Photographed Except for Confidential Identification	12
Patient Labor	12
Right to Participate in Planning Your Own Treatment	13
Right Not to Be Subjected to Experimentation	13
Right Not to Be Subjected to Hazardous Treatment	13
Right to Be Free from Unnecessary Restraint and Isolation	14
Right to Be Free from Abuse and Neglect	14
You May Report Abuse or Neglect To:	14
Right to Appropriate Referrals upon Discharge	14
C. Medications	15
Right to Freedom from Unnecessary or Excessive Medications	15
Use of Medications	15
Informed Consent Necessary	15
Questions to Ask about Medications	15
D. Complaints and Grievances	17
Right to File Complaints: Grievance Procedure	17
Grievances	17

E. Rights Special to Inpatient Treatment Facilities	17
Personal Rights	17
Right to Comfort and Safety	17
Right to Visit and Receive Visitors	17
Right to Private Telephone Conversations	18
Right to Send and Receive Mail	18
Right to Wear Your Own Clothing and Use Your Personal Possessions	18
Right to Adequate Clothing	19
Personal Hygiene and Grooming	19
Right to Read Books and Materials of Your Own Choice	19
Right to Keep and Spend Your Money	19
Patient Finances	19
Right to Practice Your Religion	20
Right to Education If You Are a Minor	20
Right to Adequate Diet	20
Right to Regular Exercise	20
Right to Be Outdoors	20
Right to Interact with Opposite Sex	20
Treatment Rights	21
Right to Appropriate Treatment in the Least Restrictive Environment	21
Right to Prompt and Adequate Medical Treatment	21
Diet May Not Be Used as Punishment	21
Right to Treatment Plan	21
Right to Re-examination Within 30 Days of Your Admission	21
Right to Individualized Discharge Plan	22
A Patient Advocate—Access to Client	22
Patient’s Access to Advocate	22

CHAPTER 4

Access to Your Records	23
The Uniform Health Care Information Act	23
A. To What Types of Records May You Have Access?	23
B. Notice about Your Rights	23

C.	Basic Rules on Disclosure to You	23
D.	Disclosure to Others with Your Written Permission	24
E.	Disclosure to Others Without Your Written Permission	24
F.	How to Apply for Your Health Care Records	24
G.	Duties of the Health Care Provider	25
H.	When Can a Provider Deny You Access to Your Own Records?	25
I.	Right to Request Corrections or Amendments to Your Records	26
J.	Remedies If You Are Aggrieved	26

CHAPTER 5

	Guardianship Procedures	27
A.	What Is the Purpose of a Guardianship?	27
B.	When Can a Guardian Be Appointed?	27
C.	What Types of Guardianships Exist in Montana?	28
	Full Guardianship	28
	Limited Guardianship	28
	Temporary Guardianship	28
D.	How Is a Guardian Appointed?	28
	By Will	28
	By Court Order	29
E.	Other Legal Entities for Limited Purposes	29
	Conservatorship	29
	Protective Order	29
	Power of Attorney	30
F.	Who May Be Appointed Guardian?	30
G.	How Can a Guardian Be Changed or Removed?	31

CHAPTER 6

	Rights of Children and Minors in the Mental Health System	32
A.	Definition: Minor	32
B.	Treatment for Minors	32
	Treatment Without Parental Consent	32
	Under Certain Conditions, a Minor 16 Years or Older, Can Receive Mental Health Treatment or Services	33
	Voluntary Admission to a Mental Health Facility	33
	Involuntary Commitment to a Mental Health Facility	33
	Does the Youth Court Get Involved with Mental Health Commitments?	34
	Do I Have a Right to Mental Health Treatment If I Am Sent to Pine Hills or Riverside Youth Correctional Facilities?	34
	Do I Have a Right to Be Free from Abuse and Neglect When I Am in a Mental Health or Correctional Facility?	35

CHAPTER 7

	The Protection and Advocacy System in Montana	35
	PAIMI	35
	Purpose	35
	Montana PAIMI	36
	PAIMI Authority and Responsibilities	36
	Concept of Self Advocacy	36

CHAPTER 8

	Laws Relevant to Patient Rights in Montana	37
	Advocacy and Information & Referral Organizations	39

PREFACE

This mental health rights handbook is for persons who use public or private mental health services or experience mental health problems while in the State of Montana. This handbook will provide you with information about your rights and make you aware of what action you can take if you think your rights may have been violated. Most people with mental illness have the same civil rights as anyone else — civil rights do not disappear because you are receiving mental health treatment. We recommend that you read this handbook now, even if you don't need to use it at the moment.

It is important to remember that the first step in protecting your rights is to educate yourself about these rights. The second step is to be willing to discuss your rights with other people, especially your physician and the treatment staff. The third step is to contact other resources, such as Disability Rights Montana (DRM) or a mental health advocate, if necessary, to protect your rights.

This handbook should also be useful to attorneys working in the mental health field in Montana. The handbook is not intended to address all legal problems a user of the mental health system can face. Nor can it provide all answers to representatives of the user. However, it is a useful tool for helping you understand your legal rights and find assistance in protecting those rights in the mental health system of Montana.

This handbook was prepared and distributed by DRM, 1022 Chestnut Street, Helena, Montana 59601, (406) 449-2344 or 1-800-245-4743. DRM is a non-profit corporation which administers several federally-mandated advocacy programs, the **Protection and Advocacy Program for Individuals with Mental Illness (PAIMI)** among them.

DRM, which is responsible for the production of this handbook, is designated by the Governor, under Montana Code Annotated, Section 53-21-169, as the protection and advocacy agency for persons with significant mental illnesses or emotional impairment in the state of Montana.

Alternative formats of this handbook may be obtained by contacting DRM at 1-800-245-4743.

CHAPTER 1

YOUR RIGHTS DURING DETENTION

A. EMERGENCY DETENTION

Montana law allows a police officer to temporarily detain any person who appears to have a mental disorder which appears to cause the person to be an imminent danger to himself or herself or to others.

When a person is detained for problems that indicate a serious mental illness, the officer must immediately contact a mental health professional to do an emergency evaluation.

INTERVIEW BY MENTAL HEALTH PROFESSIONAL

If the professional person reasonably determines you are not seriously mentally ill, you must be released immediately. If the professional person reasonably determines you are seriously mentally ill, you may be detained and treated until the next business day, and one of two things must happen. Either the professional person must (1) release you; or (2) make a recommendation that you be referred to the county attorney who then decides whether to file a petition to commit you to a residential facility. If the county attorney decides to file a petition, your detention may continue, but that detention may not be in jail.

PLACEMENT DURING EMERGENCY DETENTION

The county attorney has the authority to arrange for your emergency placement in any federal, state or private mental health facility. You may also temporarily be sent to Montana State Hospital at Warm Springs if there is no room at a local facility.

Crisis intervention programs and other alternatives to jail placement must be developed at the community level, although this development is subject to available funds.

B. DETENTION FOR COMMISSION OF A MISDEMEANOR OFFENSE

DIVERSION FROM JAIL

A person can also become involved with law enforcement if arrested for the commission of a crime. Montana law mandates jailers screen inmates to identify persons accused of misdemeanors who appear to be seriously mentally ill. If the jailer believes that an inmate is seriously mentally ill, the inmate must be referred to a crisis intervention service, to the mental health center, or to a mental health facility or hospital equipped to provide care and treatment.

INTOXICATED PERSONS MAY BE DETAINED

A person who is intoxicated by drugs or alcohol who is accused of a misdemeanor offense may be detained in a jail until the level of intoxication is reduced to the point that screening for serious mental illness can be performed.

C. DETENTION PENDING COMMITMENT HEARING

DETENTION: 90-DAY INVOLUNTARY COMMITMENT PETITION

Under Montana Code Annotated, § 53-21-124, the county attorney has the authority to ask the court to detain you once a commitment petition has been filed with the court. Often an “emergency” detention is turned into a “regular” detention once the petition is filed. You do have the right to challenge that detention.

NOTICE OF RIGHTS TO BE GIVEN

If you are detained against your will or examined under the mental health laws, you must be informed at the time you are detained of your constitutional rights and of your rights under the mental health laws of Montana.

Within three days of any detention or examination, the county attorney must inform you in writing of these rights.

DETENTION HEARING--WHAT HAPPENS NOW?

The decision to continue to hold or to release you, pending the date of your commitment hearing, is made at what is called the initial appearance on your commitment petition. An initial appearance is a hearing where the judge reads you your rights and officially informs you that a commitment petition has been filed against you. The judge appoints a professional person to evaluate you. Also, an attorney is appointed at that time if you don’t have one.

If the Court finds that an appropriate person is willing and able to act as your “friend” and you agree personally or through your attorney, the Court will appoint that person to act as your “friend.” The Court can change the “friend” designation for good cause, or at your request or if a conflict of interest exists.

If you do not wish to be detained or if your commitment hearing is delayed, you have the right to have a separate detention hearing before your commitment hearing to challenge your detention.

Since your attorney must be immediately notified that you have been detained, he or she can request a special detention hearing to tell the court why you should not be detained. The county attorney must request that you be detained before you can be detained.

The court does have the final authority to detain you if it finds probable cause to believe that detention is necessary.

DETENTION IN THE LEAST RESTRICTIVE ENVIRONMENT

You must be detained in the least restrictive setting necessary to assure your presence and safety and the safety of others.

PLACEMENT DURING DETENTION

Whenever possible, a person who is detained shall be detained in a mental health facility in the county of residence. Detention may NOT be in a jail.

If you request a jury trial for your commitment hearing and a trial cannot be arranged within seven days, the court can send you to Montana State Hospital

in Warm Springs if no less restrictive alternative is available for you. However, a trial must be held within 30 days of filing the petition.

YOUR LEGAL DUE PROCESS RIGHTS DURING DETENTION

You have the right:

- to an attorney if you are detained. If you are in the community and have no funds to pay for an attorney, the court will appoint one for you. If you are already at the Montana State Hospital, the Board of Visitors Legal Services Program will represent you, if you request it;
- to reasonable notice before any hearing or court proceeding is held regarding a decision to detain you;
- to look at and copy all petitions in the court file concerning you;
- to know who any witnesses are who will testify for your detention.
- to choose your own psychiatrist, psychologist or other professional person to examine you and testify for you at the hearing;
- to be present at any hearing concerning you and to offer your own evidence and have your own witnesses to testify on your behalf;
- to cross-examine witnesses who testify against you;
- to remain silent;
- to have the hearing conducted with the same court rules of evidence that are used in any other civil proceeding;
- to be dressed in your own clothes at any hearing;
- to refuse all but life-saving medication for up to 24 hours before any hearing;
- to be detained in the least restrictive environment required to protect your life and physical safety and that of members of the public.

CHAPTER 2

COMMITMENT PROCEEDINGS

A. VOLUNTARY ADMISSION TO A MENTAL HEALTH FACILITY

If you are a voluntary patient at a mental health facility, you are there because you agreed to admit yourself to the facility for treatment or care. If you are a client who receives services at a mental health facility, your admission to that facility for receipt of those services is also considered voluntary unless it is court-ordered.

As a voluntary patient at a mental health facility, you have the same rights as any person who is involuntarily committed. No one should coerce you into signing a voluntary application if you do not wish to do so. Weigh the pros and cons and make your own decisions.

Currently, Montana State Hospital does not accept voluntary admissions. “Drop-ins” are not permitted.

When you wish to leave the facility, you have the right to sign a written request for release at any time. **HOWEVER, EVEN THOUGH YOU ARE THERE ON A VOLUNTARY ADMISSION, THIS DOES NOT MEAN YOU MAY LEAVE IMMEDIATELY. THE FACILITY IS ALLOWED TO DETAIN YOU FOR UP TO FIVE DAYS, NOT COUNTING WEEKENDS AND HOLIDAYS.**

During that time, the facility may decide to petition the court to commit you against your will or involuntarily.

If a petition is filed, the facility will usually ask the court for the authority to continue to detain you. The facility must follow the same court procedures as it would in any other court commitment proceeding.

B. INVOLUNTARY COMMITMENT TO A MENTAL HEALTH FACILITY

You are considered to be an involuntary patient at a mental health facility if you are sent there under a civil commitment order.

The mental health facility has the authority to ask the court to either extend your commitment (see “Extensions of Commitment” in this chapter), to discharge you unconditionally before the expiration of the court order, or to conditionally release you before the expiration of the court order or ask the court to approve a discharge to an alternative placement such as with a responsible relative.

NOTICE OF RIGHTS TO BE GIVEN

If you are detained against your will or examined under the mental health laws for possible commitment, you must be informed, at the time you are detained, of your constitutional rights and of your rights under the mental health laws of Montana. Also, within three days of your detention or an examination, the county attorney must also inform you in writing of these rights.

C. YOUR RIGHTS WHEN AN INVOLUNTARY COMMITMENT PETITION IS FILED AGAINST YOU

COMMITMENT PETITION: SERIOUSLY MENTALLY ILL

The county attorney has the authority to petition the court to commit you to a psychiatric facility against your wishes, that is, involuntarily, if the county attorney finds probable cause to believe you are mentally ill or seriously mentally ill as defined by Montana law.

YOUR RIGHTS AT THE COMMITMENT HEARING

1. To commit you for 90 days, the State must prove to the court that you are seriously mentally ill as defined by law.
2. “Seriously mentally ill” under Montana law means that you are found by a court to have a mental disorder which resulted in self-inflicted injury, or injury to others, or there is an imminent threat of such an injury, or else you have a mental disorder which the court finds has deprived you of the ability to protect your life or health.
3. If the court holds a hearing on a petition and does not find you are seriously mentally ill, you must be released.

4. If the court finds you are seriously mentally ill, it can order you to undergo any of the following treatments for up to 90 days:
 - a. Commit you to a mental health facility (Montana State Hospital at Warm Springs, Mental Health Center or other facility).
 - b. Order your placement to the care and custody of a relative or guardian or someplace other than an institution;
 - c. Order you to participate in outpatient therapy in the community; or
 - d. Make some other appropriate order for your treatment including any combination of the above placements.
5. The Court must choose the least restrictive alternative which will protect you and the public and which will also permit effective treatment.
6. You have a right to appeal to the Montana Supreme Court the court’s commitment order, if there are grounds of appeal.

LEGAL PROCEDURAL RIGHTS

You have a right:

- to be notified a reasonable amount of time before any hearing or court proceedings about the pending petition against you;
- to know, before the court hearing, who any witnesses are that will testify for your commitment;
- to be present at any hearing concerning you;
- to offer your own evidence and have your own witnesses at any hearing concerning you;
- to cross-examine witnesses who testify against you;
- to be represented by a lawyer. If you cannot afford one, one will be appointed for you. You also have a right to hire an attorney of your choice;
- to remain silent;
- to a hearing under the same court rules of evidence used in any other civil proceedings;
- to a jury trial for a 90-day commitment proceeding;
- to look at and copy all petitions in the court file concerning you;

- to be dressed in your own clothes at any hearing;
- to refuse any but life-saving medication for up to 24 hours before any hearing;
- to be detained in the least restrictive environment required to protect your life and physical safety and the lives of others;
- to waive most of your rights if you are “capable of making an intentional knowing decision.” You may not waive your right to counsel or your right to treatment. Your attorney and friend may consult with you and waive certain other rights, if you wish;
- to an examination by a professional person after you have had an initial appearance on the commitment petition;
- to choose your own professional person to examine you and testify at the hearing; and
- to appeal to the Montana Supreme Court any order of short-term or long-term evaluation, treatment, or commitment if there are grounds for appeal. You will not be released while this appeal is pending unless the court so orders.

EXTENSION OF YOUR 90-DAY COMMITMENT

1. The professional person in charge at your place of commitment has the authority to petition for an extension of your commitment if that person believes you continue to be seriously mentally ill. The petition must be accompanied by a written report and evaluation of your mental and physical condition and describe any tests and evaluation tools that were used to evaluate you, your treatment, and any future treatment plans.
2. The professional person must petition the court for an extension at least **two weeks** before the end of your 90-day period.
3. You have a right to receive notice that an extension has been filed with the court, as does your attorney, your next of kin, and your “friend.”
4. You also have a right to a hearing on the extension petition.
5. If you do not request an extension hearing or contest the commitment, usually the court will automatically re-commit you for up to six more months. Then, if there are additional petitions for extension of the

commitment, it may be renewed for a full year with each additional petition. You have the right to disagree with your re-commitment at any extension hearing.

6. You are entitled to all the same procedural rights at an extension hearing as you receive for a commitment hearing except the right to a jury trial.
7. You have a right to appeal a commitment or extension of commitment order if there are adequate grounds to appeal.
8. A treatment plan for your treatment during the involuntary commitment must be developed and implemented within five days.
9. You may not be ordered to pay the cost of your treatment if you are not financially able to do so.

CONDITIONAL RELEASE FROM INPATIENT TREATMENT

If the professional person in charge of your treatment at a mental health facility determines you could be appropriately served by outpatient care before your commitment period expires, you may be released before your 90 days are up if you agree to certain conditions outlined in a release agreement. This is called a conditional release.

A conditional release agreement may last only as long as the period specified in your involuntary commitment order unless the order is extended by the court. The court has authority to extend it up to two years if certain conditions are met.

If you violate the conditions you have agreed to, a hearing can be held to return you to the hospital or other inpatient treatment facility, from which you were released, for the remaining portion of your commitment period.

RELEASE TO ALTERNATIVE PLACEMENT OR TREATMENT

At any time during your commitment you have the right to request the court to order that you be placed in the care and custody of relatives or guardians. You also have the right to be provided with outpatient therapy or some other appropriate placement or treatment during your commitment.

CHAPTER 3

INPATIENT AND OUTPATIENT RIGHTS AT A MENTAL HEALTH FACILITY

Montana law does not clearly distinguish between “inpatient” and “outpatient” rights. The rights of a patient or client who does not live at a mental health facility but receives services such as therapy, day treatment or other community services, are similar to those of inpatients. Specific rights for inpatient facilities are described in Section E.

A. CIVIL AND LEGAL RIGHTS

CIVIL AND LEGAL RIGHTS RETAINED DURING COMMITMENT OR TREATMENT

Patients admitted to a mental health facility, whether voluntarily or involuntarily, inpatient or outpatient, are entitled to all legal rights guaranteed by the Constitutions and laws of the United States and the State of Montana, unless their commitment order specifies otherwise for good cause. For example, whether you are committed or not, you still have the following rights:

- to due process and equal protection under the law;
- of access to an advocate or an attorney;
- to give or withhold your informed consent regarding mental health or medical treatment;
- to enter contracts, marry and divorce.
- to sell, own or buy property;
- to vote and to register to vote;
- to have a driver’s license;
- to make a will;

You also retain all other legal rights not specifically taken away by a court of law.

If any restrictions are written into your commitment order, these restrictions automatically expire when your commitment period is over.

RIGHT TO BE FREE FROM DISCRIMINATION

You may not be discriminated against because of the fact that you are committed to a mental health facility or received a mental health evaluation or treatment.

RIGHT TO RECEIVE A STATEMENT OF YOUR RIGHTS AND HAVE RIGHTS POSTED

Every patient must promptly receive a written statement of his or her rights, under state and federal mental health laws after being admitted to a mental health facility. The notice of your rights must be in language you can understand.

A copy of your rights must also be posted in all wards and all other appropriate locations.

RIGHT TO HAVE CONFIDENTIAL RECORDS MAINTAINED

The mental health facility must maintain complete and confidential records on every patient. Although your records cannot be released to others without your written approval, there are some exceptions to this rule. Montana law allows your records to be disclosed to professionals providing services or appropriate referrals for you (for more information, see Chapter 4: Access to Your Records).

RIGHT OF ACCESS TO PATIENT ADVOCATE AND LAWYER

You have a right of access, including private communications, to any available rights protection service within the facility, within the state or federal mental health system, or to any other qualified advocate to assist you in understanding and protecting your rights under federal and state laws.

You also have the right to communicate with your attorney.

The Legal Services Program of the Mental Disabilities Board of Visitors Office and a PAIMI (Protection and Advocacy for Individuals with Mental Illness) advocate are available to provide some legal and advocacy services to Montana State Hospital patients.

B. INDIVIDUAL RIGHTS OF DIGNITY

RIGHT TO BE TREATED WITH DIGNITY

You have a right to be treated with dignity while you are at any Montana mental health facility.

RIGHT TO PRIVACY

You are entitled to the maximum amount of privacy consistent with the effective delivery of services to you.

RIGHT TO FREEDOM FROM UNREASONABLE SEARCHES

You have a right not to have your possessions searched without probable cause.

RIGHT TO HUMANE AND SAFE ENVIRONMENT

You have a right to a humane psychological and physical environment while you are in the mental health facility.

RIGHT NOT TO BE FINGERPRINTED

A mental health facility may not fingerprint you when you are admitted unless required by some other law (for example, by criminal laws).

RIGHT NOT TO BE PHOTOGRAPHED EXCEPT FOR CONFIDENTIAL IDENTIFICATION

A facility may photograph you for identification when you are admitted, but the photos are confidential. You or your guardian must give consent for any other non-medical photographs of you to be taken or used.

PATIENT LABOR

As a patient at any mental health facility, you may not be required to perform labor which involves the operation and maintenance of the facility but you may voluntarily perform such labor and the facility must reimburse you for it.

You may be required to perform therapeutic tasks which do not involve the facility's operation and maintenance if the task is an integrated and supervised part of your treatment. If the task is something which the facility would otherwise have to pay someone to do, you must be paid for doing it.

Any deductions taken from your paycheck for care and maintenance charges while you are at a facility must not be so high that you do not have enough money left for personal and incidental purchases and expenses.

RIGHT TO PARTICIPATE IN PLANNING YOUR OWN TREATMENT

You have a right to participate in the on-going planning of your mental health services and to receive an explanation in terms you can understand, of your general condition, treatment objectives, the nature and significant possible adverse effects of recommended treatment, reasons this treatment is considered appropriate, and what, if any, alternative treatment services and types of mental health providers are appropriate and available.

RIGHT NOT TO BE SUBJECTED TO EXPERIMENTATION

You have the right not to be subjected to experimental research or other experimentation without your informed, voluntary, written consent. You also have the right to appropriate protection if you do participate, including the right to a reasonable explanation of the procedure, the benefits to be expected, the relative advantages of alternative treatments, any potential discomforts and risks, and the right and opportunity to revoke such consent. Experimental research must be reviewed and approved by the Mental Disabilities Board of Visitors.

RIGHT NOT TO BE SUBJECTED TO HAZARDOUS TREATMENT

You have a right to be free from any unusual or hazardous treatment unless you expressly give your informed consent to the procedure, after consultation with your attorney, legal guardian, if any, friend and any other interested party of your choice.

If you have special medical or religious dietary needs, the facility must provide for them.

RIGHT TO BE FREE FROM UNNECESSARY RESTRAINT AND ISOLATION

Patients have a right to be free from physical restraint or isolation. It may be used in emergency situations when patients could harm themselves or others, and then is only to be used for protection, treatment and safety — not for punishment or for staff convenience. It must be appropriately documented by a written order of a mental health professional responsible for your treatment within timelines set by law. (Professional standards require a physician to personally examine you within three hours of being placed in restraint or isolation.)

RIGHT TO BE FREE FROM ABUSE AND NEGLECT

You have a right to be free from abuse and neglect or threats of abuse and neglect while you are receiving services at any mental health facility in Montana. Abuse and neglect of persons with mental disabilities is against the law.

If you believe you have been abused, neglected or threatened by anyone while you are in the facility, you should report it. You, and others, can be better protected if you do report such abuse and neglect.

YOU MAY REPORT ABUSE OR NEGLECT TO:

- A hospital or facility staff member, preferably one in charge of your treatment;
- the Mental Disabilities Board of Visitors;
- The Board of Visitors Legal Services Program — in the patient advocate office at Warm Springs;
- The local police or county attorney; or
- A DRM Advocate (DRM telephone numbers are listed at the end of this handbook).

RIGHT TO APPROPRIATE REFERRALS UPON DISCHARGE

At your request, the facility must help make a discharge plan for what you will do when you leave the facility. Ask the facility staff to assist you to make calls to arrange where you will live, to obtain addresses, numbers and names of who you will see for community mental health and social services in your town,

travel plans and any other arrangements necessary for you to move back into the community.

C. MEDICATIONS

RIGHT TO FREEDOM FROM UNNECESSARY OR EXCESSIVE MEDICATIONS

You have the right to be free from unnecessary or excessive medication.

USE OF MEDICATIONS

- Medications may be given only with a physician's written order;
- Medications must be reviewed at least weekly and the order must have a maximum 30 day termination date;
- Medication may not be used as punishment;
- Medications may not be used for the convenience of the staff;
- Medications may not be used as a substitute for a treatment program;
- Medications may not be used in quantities that interfere with your treatment program.

INFORMED CONSENT NECESSARY

You have a right to give informed consent to take or not take antipsychotic or other medications unless a court has specifically found you to be incompetent to make such decisions and has appointed a legal guardian for you or an emergency situation exists where your life or the life of others is in danger and medications are deemed necessary.

QUESTIONS TO ASK ABOUT MEDICATIONS

- Why do I have to take this medicine? What will happen if I don't take it?
- Can I be treated without medication? Before I begin taking medicine, can I have a second opinion?
- What is the name of the medicine prescribed for me?
- How is it supposed to help me? How soon will I notice a difference?

- How is it supposed to make me feel? What are the “side effects” of the medicine? Will it affect any other medical or physical problems I have?
- Are there physical side effects I should report immediately?
- What are the mental side effects of this drug? Anxiety, depression, distorted thought, etc.?
- Is it similar to or different from the medicine I was taking before this?
- How much should I take? How many times a day? What time of day? Before or after meals? What would happen if I took too much?
- Is it alright if I drink alcohol when taking this medicine? Is there any food or other drink I should avoid?
- Are there other medicines I should avoid when taking this medicine?
- Will this medicine affect my interest in sex?
- (For females) Will this affect my menstrual periods? Should I take the birth control pill while taking this medicine? If I get pregnant while taking this medicine, could it have any affect on my baby? Should I take it while nursing?
- Should I drive or operate machinery while taking this medicine?
- Is there anything else I should know about this medicine? How often will you review with me what the medicine is doing? How long will I need to take this medicine? How soon may I take less?
- If I take this medicine for an extended period of time, will I be taken off the medicine periodically for a “drug holiday?”
- If I take this medicine for a long time, what can it do to me?
- What is tardive dyskinesia (TD)? Can I get TD from taking this medicine? Can something be done to avoid this?
- Can I become addicted to this medicine?
- To whom should I talk if I am experiencing any side effects of this drug?
- To whom can I talk further about this drug?
- How can I obtain more information about this drug?

D. COMPLAINTS AND GRIEVANCES

RIGHT TO FILE COMPLAINTS: GRIEVANCE PROCEDURE

You have the right to receive information about the facility’s complaint or grievance procedure and to file complaints. You must be allowed to exercise this right and other rights without reprisal, including denying you any appropriate available treatment or privileges.

GRIEVANCES

A patient at a facility has the right:

- a. to be informed of the rights described in this section at the time of his admission and periodically thereafter, in language and terms appropriate to the patient’s condition and ability to understand;
- b. to assert grievances with respect to infringement of the rights described in this section, including the right to have a grievance considered in a fair and timely manner according to an impartial grievance procedure that must be provided by the facility; and
- c. to exercise the rights described in this section without reprisal and including denial of admission to the facility.

E. RIGHTS SPECIAL TO INPATIENT TREATMENT FACILITIES

PERSONAL RIGHTS

RIGHT TO COMFORT AND SAFETY

The facility must provide for your comfort and safety. It must also promote dignity and ensure privacy to you as a patient.

RIGHT TO VISIT AND RECEIVE VISITORS

You are entitled to the same right to visit and receive visitors as patients at any public hospital except that the professional person responsible for your treatment has the authority to impose certain written restrictions on you for

treatment purposes only. Any order denying you access to certain individuals must include the reasons for such denial and must be for a specific, limited, and reasonable period of time. Any restrictions must be periodically reviewed.

You may visit with your attorney, spiritual counselor, private doctor or other professional persons whenever you wish.

If visiting hours are not posted for that facility ask the staff what they are.

RIGHT TO PRIVATE TELEPHONE CONVERSATIONS

You have a right to convenient and reasonable access to private telephone communication on your ward as you would at any public hospital except that the professional person responsible for your treatment has the authority to impose certain limited restrictions on you for treatment purposes. Any phone restrictions must be in writing and periodically reviewed.

RIGHT TO SEND AND RECEIVE MAIL

You have a right to send sealed mail without restriction. You have a right to convenient and reasonable access to letter writing materials, postage and staff assistance if you are unable to write.

You have a right to receive, without restriction, mail from your attorneys, private doctors and other professional persons, your advocate, the Mental Disabilities Board of Visitors, courts and government officials. You also have the right to receive sealed mail from others except when the professional person in charge of your treatment places specific written restrictions on receipt of sealed mail.

If there is reason to believe the mail may contain contraband, you might have to open the mail in the presence of a staff person. Any mail restrictions must be periodically reviewed.

RIGHT TO WEAR YOUR OWN CLOTHING AND USE YOUR PERSONAL POSSESSIONS

In the mental health facility you have a right to wear your own clothing and to keep and use your own personal possessions unless these are found to be dangerous or inappropriate to your treatment.

Determinations as to dangerousness or appropriateness of personal possessions must be made on an individual basis and may be restricted only upon the order of a certified professional person. All restrictions must be reviewed on a regular basis.

RIGHT TO ADEQUATE CLOTHING

If you do not have adequate clothing of your own, the facility must supply neat, clean, seasonable clothing for you to use. The facility must also make laundering facilities available or provide for laundering.

PERSONAL HYGIENE AND GROOMING

While you are a patient at a mental health facility, you have a right to determine your own hair style or grow a beard.

The facility may require only that you follow reasonable sanitation and grooming standards.

RIGHT TO READ BOOKS AND MATERIALS OF YOUR OWN CHOICE

You have a right to read books and materials of your own choice unless your treatment plan indicates particular materials are inappropriate to your treatment or are illegal.

RIGHT TO KEEP AND SPEND YOUR MONEY

You have the right to keep and spend a reasonable sum of your own money.

PATIENT FINANCES

If you are a patient at the Montana State Hospital, your money will be put into an individual patient account in your name. You will be allowed to keep a limited amount of money with you on the unit for incidental spending. Hospital rules allow you to request money once each week from your account on the day scheduled by the unit for these requests. You can also obtain access to your funds at other times for special circumstances.

Facilities other than the State Hospital also have similar patient account funds in which you may be required to store your funds but you must be allowed reasonable access to those funds.

RIGHT TO PRACTICE YOUR RELIGION

You have a right to practice the religion of your choice. The facility must make provisions for this religious worship without discrimination. Religious worship may not be forced on you or required of you.

RIGHT TO EDUCATION IF YOU ARE A MINOR

Whether or not you are a patient, state and federal laws guarantee you the right to a free and appropriate education up to the age of 18. In some cases, persons from 19 to 21 years of age may also be eligible.

RIGHT TO ADEQUATE DIET

While at the facility, you have a right to at least the recommended daily dietary allowances to ensure that you receive adequate nutrition.

If you have special medical or religious dietary needs, the facility must provide for them.

RIGHT TO REGULAR EXERCISE

You have a right to regular exercise several times a week.

The facility must provide equipment and areas in which you may exercise.

RIGHT TO BE OUTDOORS

You have a right to be outdoors at regular and frequent intervals. This right may be restricted upon the written order of a physician for medical considerations. Such orders must be reviewed on a regular basis.

RIGHT TO INTERACT WITH OPPOSITE SEX

You have the right to opportunities to interact with members of the opposite sex at the mental health facility unless there is an order in your treatment plan

which indicates such interaction is not appropriate to your treatment at that time.

TREATMENT RIGHTS

RIGHT TO APPROPRIATE TREATMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

You have a right to appropriate treatment and related services in the least restrictive conditions necessary to achieve the purposes of commitment. Your personal liberties that can be restricted only when necessary and consistent with treatment need, applicable requirements of law and court orders.

RIGHT TO PROMPT AND ADEQUATE MEDICAL TREATMENT

You have a right to receive prompt and adequate medical treatment for any physical ailments you have. The facility must coordinate your psychiatric treatment and any medical treatment for the protection of your health.

DIET MAY NOT BE USED AS PUNISHMENT

You may not be denied a nutritionally adequate diet. Denial of food may not be used as punishment.

RIGHT TO TREATMENT PLAN

If you have been involuntarily committed for 90 days or voluntarily admitted, an individualized treatment plan must be implemented within 10 days of your admission to the mental health facility by the mental health treatment team involved in your treatment. The facility must periodically reevaluate your condition and revise your treatment plan based on changed conditions. If you have been involuntarily committed for 30 days to an inpatient community facility, that facility has 5 days to implement a treatment plan for you.

RIGHT TO RE-EXAMINATION WITHIN 30 DAYS OF YOUR ADMISSION

If you have been committed for 90 days, a professional person must re-examine you within 30 days of the time you were admitted to determine whether you still need to be there and whether your treatment plan has been implemented.

If no treatment plan has been implemented, the professional person in charge, the department director, the Board of Visitors and your attorney must be informed immediately.

RIGHT TO INDIVIDUALIZED DISCHARGE PLAN

Each patient must have an individualized discharge plan developed within 10 days after admission and it must be updated as necessary. The discharge plan must include an anticipated discharge date, criteria for discharge, the name of the staff member responsible for helping with discharge planning, the name of any agency helping with post-discharge services, and referrals for financial assistance.

A PATIENT ADVOCATE—ACCESS TO CLIENT

In order to assist a person admitted to a program or facility, the patient's attorney, advocate or legal representative is allowed reasonable access under Montana and Federal law to:

- a. the patient;
- b. the facility where the patient has received treatment or has resided or the areas to which he or she has had access; and
- c. records and information pertaining to the patient's diagnosis, treatment, and related services, pursuant to the written authorization of the patient.

PATIENT'S ACCESS TO ADVOCATE

A person admitted to a facility shall have access to any available individual or service that provides advocacy for the protection of the person's rights and that assists the person in understanding, exercising and protecting his or her rights.

CHAPTER 4

ACCESS TO YOUR RECORDS

THE UNIFORM HEALTH CARE INFORMATION ACT

A. TO WHAT TYPES OF RECORDS MAY YOU HAVE ACCESS?

1. Montana's Uniform Health Care Information Act explains how you may obtain your health care records from health care providers. The Act applies to medical and mental health information regarding care and procedures by health care providers such as medical and psychological diagnosis, treatment, evaluation and advice. Montana's mental health code also addresses access to patient records kept by a mental health facility.
2. The law states you have the right to request health care information from any health care facility such as any hospital, clinic, nursing home, laboratory, office or similar place where your health care has been provided. This includes any psychiatric hospital or mental health center.
3. If a guardian has been appointed for you, the guardian must be the person to request the health care information.

B. NOTICE ABOUT YOUR RIGHTS

A health care facility is required to post, in an easy-to-see place in the facility, a notice about your right to receive health care information. If you have been a patient or are a prospective patient, the facility must give you a copy of this Notice if you ask for it.

C. BASIC RULES ON DISCLOSURE TO YOU

1. As a patient or former patient you may authorize a health care provider to disclose health care information to you.

2. The provider must honor this authorization unless that provider concludes it may not reveal the information because of one of the reasons listed in state law. (See Section H below.)

D. DISCLOSURE TO OTHERS WITH YOUR WRITTEN PERMISSION

A patient may also authorize a health care provider to disclose health care information to others by signing the appropriate disclosure authorization form. This authorization does not mean you have waived any other rights under Montana law except those stated in the Health Care Information Act.

E. DISCLOSURE TO OTHERS WITHOUT YOUR WRITTEN PERMISSION

The laws also allow your records from a mental health facility to be disclosed to certain others without your written consent, including professionals charged with your evaluation, treatment, or provision of appropriate referrals; to any attorney charged with representing you; to certain research projects with appropriate measures to prevent identification; to the courts or to persons authorized by the courts after notice and opportunity for hearing; for the administration of justice; to the Mental Disabilities Board of Visitors or their agents, when necessary; to the extent necessary to make insurance, medical assistance, or aid claims on your behalf; to certain auditors; and to avert violence in certain situations.

F. HOW TO APPLY FOR YOUR HEALTH CARE RECORDS

1. To obtain the information in your health care provider's file, you must:
 - a. Make a written request to the provider which must be dated and signed by you.
 - b. Tell the provider the nature of the information you want disclosed and approximate dates services were received.
 - c. Tell the provider the information is to be disclosed to you.
 - d. Pre-pay, if requested, any reasonable fees charged by the health care provider for providing the information to you.
 - e. Keep a copy of your letter for your files.

G. DUTIES OF THE HEALTH CARE PROVIDER

1. The health care provider must respond to your request within 10 days of receiving it. The provider must either:
 - a. Show you the information or, if requested, provide a copy; or
 - b. Inform you the information does not exist or cannot be found.
 - c. If provider has kept no record, that provider must give you, if known, the name and address of a provider who does maintain the record.
 - d. If the information is in use or unusual circumstances have delayed handling your request, the provider must inform you, give you written reasons for the delay and tell you when the information may be available. At the latest, the information must be made available within 21 days of receipt of your request; or
 - e. Deny the request under the statute, Montana Code Annotated, Section 50-16-542, and inform you of the denial.

H. WHEN CAN A PROVIDER DENY YOU ACCESS TO YOUR OWN RECORDS?

1. The law says a health care provider may deny you access to your own health care information if the provider reasonably concludes that:
 - a. Knowledge of the health care information would be injurious to your health; or
 - b. Knowledge of the health care information could reasonably be expected to lead to the identification of an individual who provided the information in confidence and under circumstances in which confidentiality was appropriate; or
 - c. Knowledge of the health care information could reasonably be expected to cause danger to the life or safety of any individual; or
 - d. The health care information was compiled and is used solely for utilization review, peer review, medical ethics review, quality assurance, peer review or administrative purposes; or
 - e. The health care provider obtained the information from a person other than the patient; or
 - f. Access to the health care information is otherwise prohibited by law.

2. If the health care provider denies you access to your records because it would be injurious to your health, that provider must, to the extent possible, separate the information that would be injurious from the information which is not injurious, and must allow you to examine or copy the disclosable information.
3. If the health care provider denies you access to your health care records because access would be injurious to either you or to others, the provider must inform you that you have the right to select another health care provider who is providing health care services to you and to whom the first provider will show your records if you so request.

I. RIGHT TO REQUEST CORRECTIONS OR AMENDMENTS TO YOUR RECORDS

1. You may request in writing that the health care provider correct or amend its record on you to make it accurate or complete.
2. The health care provider must respond within 10 days of your request and generally must make the corrections or amendments or inform you of its refusal to correct or amend the record as requested.
3. If the health care provider refuses to make your proposed corrections or amendments, the provider must allow you to enter a statement of disagreement in the record as to what you think the corrections or amendments should be and why, and must mark the entry or entries with which you disagree.

J. REMEDIES IF YOU ARE AGGRIEVED

1. You have the right to ask the court to order the health care provider to allow you to see and copy your records or to do anything else the Uniform Health Care Information Act allows. The county attorney and attorney general also have authority to enforce this Act in Court.
2. If the court finds in your favor, it may allow you to recover damages for financial loss, damages for willful or grossly negligent conduct, and attorney fees and costs.

3. You must start any district court action within three years of when the alleged violation occurred.

CHAPTER 5

GUARDIANSHIP PROCEDURES

A. WHAT IS THE PURPOSE OF A GUARDIANSHIP?

A guardian is a person or entity appointed by the court to be responsible for another person called a “ward.” A court finds the ward to be “incapacitated” - meaning the ward does not, at that point, have enough understanding or capacity to make or communicate responsible decisions concerning himself or herself.

B. WHEN CAN A GUARDIAN BE APPOINTED?

If a person is impaired by reason of mental illness, mental deficiency, physical illness or disability, advanced age, chronic use of drugs, chronic intoxication or other cause, that person may be found by the court to be incapacitated and a guardian may be appointed for him or her.

However, a guardian may only be appointed when necessary to promote and protect the well-being of the alleged incapacitated person.

A guardianship must be designed to encourage the development of maximum self-reliance and independence of a ward and a guardianship may be ordered only to the extent actual mental or physical limits require it.

The fact that you may have been committed to a mental health treatment facility on an involuntary commitment or receive mental health treatment does not mean that you are “incapacitated.” Thus, a court may not automatically appoint a guardian simply because you have been committed. A hearing would have to be held to determine your incapacity. A court may appoint a guardian only if there is a finding of incapacity as defined above.

Even if you are found to be incapacitated to some degree and a guardian is appointed for you, you are still presumed to be competent and you retain all legal and civil rights except those limited by the court.

If a petition to appoint a guardian for you is filed, you have the right to due process during the proceeding including a right to be present at any hearing and to have an attorney represent you in the hearing.

C. WHAT TYPES OF GUARDIANSHIPS EXIST IN MONTANA?

FULL GUARDIANSHIP

Unless a court order states otherwise, a full guardian of an incapacitated person is one who generally has the same powers, rights and duties in relationship to the ward that a parent has in relationship to his or her minor child.

LIMITED GUARDIANSHIP

A limited guardian of an incapacitated person does not possess all the legal duties and powers of a full guardian. The rights, powers and duties of a limited guardian must be spelled out in the court order, and all rights not restricted by the court are retained by the ward.

It is common for a limited guardianship to be limited to such subjects as medical or financial decisions concerning the incapacitated person.

TEMPORARY GUARDIANSHIP

If an emergency exists for an incapacitated person who has no guardian, the court may assume the role of guardian or it may appoint a temporary guardian for up to six months.

The powers the court gives to the guardian cannot go beyond what the circumstances call for.

D. HOW IS A GUARDIAN APPOINTED?

BY WILL

The parent of an incapacitated person may appoint a guardian by will and such appointments become effective after the appointed person files acceptance of his or her appointment. The spouse of a married incapacitated person may appoint a guardian by will which takes priority over a parent's will if the appointed person accepts. The ward has a right to request termination of the

appointment of a guardian. A court hearing must be held for consideration of the ward's concerns. A court could either accept or override a ward's choice depending on what it found appropriate for the ward.

BY COURT ORDER

Appointment of a guardian by court order is more common than appointment by a will. In circumstances where there is no will, a petition must be filed for appointment of a guardian. Notice of the hearing must be given and the person who the petition was filed against is entitled to be represented by counsel, including a state public defender, and to personally attend the guardianship hearing. That person must also be examined by a physician who reports all findings to the court. Whenever possible, a "visitor" who has no personal interest in the proceeding should also be appointed by the court for the person. Evidence of incapacity must be presented at a hearing. A jury or non-jury trial is available to the alleged incapacitated person if the person wishes to challenge the finding of incapacity.

E. OTHER LEGAL ENTITIES FOR LIMITED PURPOSES

Other common legal entities which are similar to guardianships but whose powers are limited to a specific topic are Conservatorships and Powers of Attorney and other protective orders as shown to be necessary.

CONSERVATORSHIP

If a person has a sizeable estate or extensive business affairs, a court may appoint a conservator to manage the property and financial affairs of the person if he or she is not able to manage due to mental illness, or other disabling situations if that person's property may be wasted without proper management. The Court may appoint both a guardian and a conservator for assistance to the ward.

PROTECTIVE ORDER

Similar to the process of appointment of a conservator, the "person to be protected," or any person who is interested in that person's affairs, estate or welfare, or any person who would be adversely affected by lack of effective management of that person's affairs or property, may petition the court for an appropriate protective order.

POWER OF ATTORNEY

Any person may give what is called a durable power of attorney to another person. A power of attorney authorizes that other person to act as your agent in any or all matters. This instrument must be in writing and must name what topics the other person has the authority to act on for you. It should also list when the power of attorney becomes effective and when it ends.

Frequently a power of attorney is used to provide for medical consent to treatment in the event of an emergency.

F. WHO MAY BE APPOINTED GUARDIAN?

If the court finds you to be incapacitated, it may appoint a competent person or suitable institution, association or non-profit corporation to be your guardian.

Although the court should select the person who is best qualified and willing to serve as guardian, appointments should generally be made in the following order of priorities:

1. Someone nominated by you as the incapacitated person, if you have the capacity to make a reasonably intelligent choice at the time you make the nomination;
2. Your spouse;
3. Your adult child;
4. A parent of yours;
5. Any relative with whom you have resided for more than six months prior to filing for a guardianship appointment;
6. A relative or friend who has demonstrated a sincere, longstanding interest in your welfare;
7. A private association or non-profit corporation with a guardianship program;
8. A person named by someone who cares for you or pays benefits to you.

G. HOW CAN A GUARDIAN BE CHANGED OR REMOVED?

A guardian may be removed by the court for failing to do a good job. A guardianship can also end for other reasons, including the death of either the ward or the guardian; if the guardian becomes incapacitated or resigns, or if the ward regains the capacity to care for his or her own affairs.

The law allows the guardianship appointment to be modified as necessary to either increase or decrease restrictions or responsibilities as necessary. As a ward, you may bring any requested modifications to the court's attention through a petition for modification.

CHAPTER 6

RIGHTS OF CHILDREN AND MINORS IN THE MENTAL HEALTH SYSTEM

A. DEFINITION: MINOR

For purposes of receiving mental health services, minors are males and females under 18 years of age.

B. TREATMENT FOR MINORS

The general rule is that parents or guardians must give consent for you, as a minor, to receive mental health treatment and counseling. However, there are exceptions to this rule.

TREATMENT WITHOUT PARENTAL CONSENT

There are a number of circumstances that allow a minor the legal right to give consent to his or her own health treatment.

1. You may obtain treatment on your own:
 - a. if you are or ever were married;
 - b. if you have a child;
 - c. if you've graduated from high school;
 - d. if you've been emancipated. Emancipated means that a court has granted you the rights of an adult - for whatever reason;
 - e. if you are separated from your parents and are supporting yourself by whatever means;
 - f. if you profess or are found to be pregnant or have any sexually transmitted or other reportable communicable disease or if you have a drug or substance abuse problem. The health professional that you go to can only treat that medical condition.
 - g. if you need emergency care. That care can be given but your parent or guardian must be notified as soon as is practical.
2. You may give consent for treatment for your child.

3. You may give consent for treatment for your spouse if the spouse does not have the physical or mental capacity to give consent to medical services.

UNDER CERTAIN CONDITIONS, A MINOR 16 YEARS OR OLDER, CAN RECEIVE MENTAL HEALTH TREATMENT OR SERVICES

If you are 16 years or older you have the right to receive mental health services with certain conditions.

The law says you may receive mental health services from either a person licensed to practice medicine or psychology or by a facility that is not a State agency. You may not be sent to Montana State Hospital at Warm Springs on a voluntary basis.

VOLUNTARY ADMISSION TO A MENTAL HEALTH FACILITY

You or your parent or guardian may agree to your admission to a mental health facility for in-patient treatment.

As a minor, you have the right to be released within five days of your request for release. Your parents may also make a request for your discharge.

The only way that you, a minor, may be kept longer than five days past the time you request to be released is if the facility decides to petition for an involuntary commitment against you.

Every voluntary admission application for a mental health facility has to spell out your rights. Your rights also have to be explained to you so that you can understand what they really mean for you.

INVOLUNTARY COMMITMENT TO A MENTAL HEALTH FACILITY

An involuntary commitment to a mental health facility means that a court has determined that you are "seriously mentally ill," as defined by law and are in need of mental health treatment. The court also makes a determination of where that treatment should be provided. The first commitment may be for up to 90 days.

If you are in a facility on a voluntary admission but then want to be discharged and your parents and the facility doctor disagree, you have the right to challenge that decision. Basically, the facility must file a petition for involuntary commitment if you want to sign out from your voluntary commitment or else the facility must discharge you.

The court should appoint an attorney to represent you in these proceedings. The professionals from the mental health facility would have to prove in court that you were “seriously mentally ill” as defined by law and they would have to show that you could not be appropriately served by any less restrictive program or facility.

In court, you would also have the right to tell your reasons for not wanting to be at the facility. (For more information on Involuntary Commitments, see Chapter 2.)

DOES THE YOUTH COURT GET INVOLVED WITH MENTAL HEALTH COMMITMENTS?

The Youth Court is set up to address cases where a minor has been charged with committing what would be a crime if done by an adult. If the minor charged with an offense needs serious mental health treatment, the authorities should have an evaluation done and go through the voluntary or involuntary mental health commitment procedures or some less restrictive approach to help the minor obtain appropriate treatment. If, as a minor in the Youth Court System, you, or your parents believe you need mental health treatment, be sure to talk to the juvenile probation officer or social worker immediately. If you are found to be seriously ill you may NOT be sent to a youth correctional facility.

DO I HAVE A RIGHT TO MENTAL HEALTH TREATMENT IF I AM SENT TO PINE HILLS OR RIVERSIDE YOUTH CORRECTIONAL FACILITIES?

Yes. These schools are part of the State’s youth correctional system that receive youth sent from Youth Courts throughout Montana. The schools are run by the Department of Public Health and Human Services. These schools **must** provide a safe and secure environment for the care, protection and wholesome mental and physical development of all youth coming to them under the Youth Court Act. That care includes adequate mental health programming and treatment.

Don’t be afraid to ask for treatment you think you might need. You have a right to receive adequate treatment.

DO I HAVE A RIGHT TO BE FREE FROM ABUSE AND NEGLECT WHEN I AM IN A MENTAL HEALTH OR CORRECTIONAL FACILITY?

Yes. If you feel you have been abused or neglected in any way, tell your counselor, parent, cottage supervisor, or teacher, or call one of the numbers listed in the back of this manual. If you don’t report it, you might not receive the help or protection you deserve. Every effort will be taken to make sure there is no retaliation against you for making the report. If you think you are being retaliated against, report that, too. You have the right to be safe, secure, and free from abuse and neglect.

CHAPTER 7

THE PROTECTION AND ADVOCACY SYSTEM IN MONTANA

PAIMI

The 1991 Legislature designated DRM as the Protection and Advocacy system for Individuals with Mental Illness (PAIMI) program in Montana empowered to protect, advocate, and seek enforcement for the rights of persons with a significant mental illness or emotional impairment pursuant to federal mandates.

PURPOSE

The PAIMI Program is currently administered through DRM and has two primary goals:

1. protection and advocacy of the rights of individuals with mental illness through enforcement of the U.S. and Montana Constitutions and state and federal laws; and
2. investigation of incidents of abuse and neglect of such individuals within the bounds of federal and state guidelines.

MONTANA PAIMI

PAIMI was created in Montana and nationwide in 1986 after Congress passed the Protection and Advocacy for Mentally Ill Individuals Act of 1986.

DRM is a state-wide non-profit corporation which administers PAIMI and other federal advocacy programs.

PAIMI AUTHORITY AND RESPONSIBILITIES

The law allows PAIMI advocates to visit facilities and have access to records, charts and information regarding patients or clients who may have been abused or neglected.

The law also grants PAIMI advocates access to clients, facilities, living areas, restraint areas, or any place where a patient or client might be living or receiving services.

Montana law has incorporated the national Bill of Rights for Persons with Mental Illness into Montana law and PAIMI advocates and attorneys are mandated to advocate for these rights.

CONCEPT OF SELF ADVOCACY

In keeping with the federal and state constitutional and statutory mandates that persons with mental illness or serious emotional impairment retain their civil rights and responsibilities even as they go through mental health systems or involuntary commitment proceedings, DRM (through PAIMI funds) seeks to facilitate the empowerment of consumers and clients of mental health services throughout the state so they may better advocate their own needs within the system.

Several consumer groups have formed in the state to address the needs of Montana consumers. DRM can put you in touch with the group nearest you.

CHAPTER 8

LAWS RELEVANT TO PATIENT RIGHTS IN MONTANA

The rights of consumers or users of mental health services in Montana are spelled out in several state laws. These include, but may not be limited to:

Treatment of the Seriously Mentally Ill. Sections 53-21-101 through 53-21-198, Mont. Code Ann.

These sections tell you what your rights are before, during and after commitment. Especially important are:

- Sections 53-21-111 and 53-21-112, Mont. Code Ann., which discusses voluntary admission to a facility;
- Sections 53-21-113 through 53-21-129, Mont. Code Ann., which discusses involuntary commitments;
- Sections 53-21-141 through 53-21-187, Mont. Code Ann., which discusses the civil and legal rights of persons committed to a mental health facility.

Other sections of Montana law are applicable in particular situations:

- Validity of consent of minor for health services, § 41-1-402, Mont. Code Ann.
- Milage and expenses to be provided for delivery of mentally ill persons, § 7-32-2144, Mont. Code Ann.
- Procedures for the trial or hearing on the petition to commit a seriously mentally ill person, Montana Rules of Civil Procedure, Title 25, ch. 20.
- The transfer out of Montana of persons committed under Montana law, Interstate Compact on Mental Health, Title 53, ch. 22, Mont. Code Ann.
- Psychologist - client privilege, § 26-1-807, Mont. Code Ann.

- Persons under disability guardianship and conservatorship, Title 72, ch. 5, Mont. Code Ann.
- Freedom of religion, Art. II, § 5, Mont. Const.
- Right of privacy, Art. II, § 10, Mont. Const.
- Adult rights, Art. 11, § 14, Mont. Const.
- Mental Disabilities Board of Visitors, §§ 2-15-211 and 53-21-104, Mont. Code Ann.
- Freedom from discrimination, § 49-1-102, Mont. Code Ann.
- Illegal discrimination, Title 49, ch. 2.
- Doctor - patient privilege, § 26-1-805, Mont. Code Ann.

ADVOCACY and INFORMATION & REFERRAL ORGANIZATIONS

ACLU (American Civil Liberties Union)	406-248-1086
Board of Visitors	1-800-332-2272 406-444-3955
Advocate - Montana State Hospital	406-693-7035
Governor’s Citizen Advocate Office	1-800-332-2272
Independent Living	
Billings (LIFTT)	1-800-669-6319
Great Falls (NCILS)	1-800-823-6245
Helena (MILP)	1-800-735-6457
Missoula (Summit)	1-800-398-9002
Indian Law Resource Center	406-449-2006
Disability Rights Montana	1-800-245-4743
Montana Human Rights Bureau	1-800-542-0807
PLUK (Parents Let’s Unite for Kids) (parent coalition to provide information and support for children with all types of disabilities)	1-800-222-7585
Montana Legal Services 616 Helena Ave., Ste. 100 Helena, MT 59601	1-800-666-6124 406-442-9830
NAMI Montana 616 Helena Ave., Suite 218 Helena, MT 59601	406-443-7871
Montana Peer Network 109 East Lewis Street Livingston, MT 59047	406-551-1058

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FOR MORE INFORMATION ON PAIMI

If you would like more information about the Protection and Advocacy for Individuals with Mental Illness (PAIMI) program of Disability Rights Montana, call or write to:

Disability Rights Montana
1022 Chestnut Street
Helena, MT 59601-0820
(406) 449-2344 Voice/TDD
1-800-245-4743 Voice/TDD
Email: advocate@disabilityrightsmt.org
Website: <http://disabilityrightsmt.org>

Disability Rights Montana is a member of Montana Shares, State Employee Charitable Giving Campaign, and Combined Federal Campaign (CFC). Please consider DRM when designating your charitable giving contributions.



Combined Federal Campaign (CFC) # 96184

SECGC # 8093