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Sec. 201. Purpose.

The purpose of this Chapter is to provide procedures for the treatment of persons with drug or chemical dependence, and/or alcoholism problems, while protecting the rights of all persons to due process of law.

Sec. 202. Construction.

This Chapter shall be construed to provide the least restrictive treatment or detention available which will serve the needs of drug or chemically dependent or alcoholic persons for recovery and rehabilitation while protecting the safety of the persons to be treated and members of the community.

Sec. 203. Definitions.

The definitions of Section 103 of this Title shall be applicable to this Chapter.

Sec. 204. Application for involuntary commitment.

Any person, including the administrator of any detoxification center, may submit to the Fort Peck Tribal Court an application to have any alcoholic or drug or chemically dependent person subject to the jurisdiction of the Court involuntarily committed to a detoxification center or other appropriate treatment facility. Such application shall include

(1) The name, address and telephone number of the applicant, the respondent and, if known, the next of kin of the respondent;

(2) The reason(s) why the applicant believes the respondent is alcoholic and dangerous to self or others, or drug or chemically dependent and dangerous to self or others;

(3) Any available supporting evidence, including affidavits or written statements from physicians or members of the community concerning the respondent's alcoholism, or drug or chemical dependence, and dangerousness.

Title 11 – Involuntary Commitment
Chapter 2. Involuntary Commitment of Alcoholic and Drug or Chemically Dependent Persons

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Sec. 205. Hearing.

After receiving an application, the Court shall schedule a hearing to be held immediately if possible and in all cases

(a) Within 48 hours of the time of detention if the respondent is being detained at a detention center or treatment facility on the Reservation, and

(b) Within 10 days if the respondent is not being detained or is being detained off the Reservation.

The Court shall make reasonable attempts to notify, by telephone or other means, the respondent and the respondent's next of kin of the time and place of the hearing, and the right of the respondent

(a) To retain counsel at respondent's expense;

(b) To be present and

(c) Testify, present documentary evidence, call witnesses and ask questions of all witnesses.

Prior to the hearing, the Court shall order the examination of respondent by a physician or other health care professional. The hearing shall be held informally, and shall be closed to the public unless the respondent or his/her authorized representative requests otherwise and the Court so orders.

(AMENDED AS PER RESOLUTION NO. 26-1200-2012-08, DATED 8/13/2012.)

Sec. 206. Disposition.

If the Court determines that there is clear and convincing evidence that the respondent is an alcoholic or drug or chemically dependent person and dangerous it shall order detention

(a) Up to a maximum of thirty one (31) days total for an alcoholic person committed to a detoxification center, and

(b) For such period as is required for treatment of a drug or chemically dependent person in a treatment facility, up to a maximum of six (6) months.

If the Court determines that the evidence available as to whether the respondent is an alcoholic or drug or chemically dependent person and dan-

gerous is inconclusive, the Court may order additional medical examination of the respondent, and an additional hearing, to be held within five (5) days of the first hearing, unless further time is requested by the respondent or his/her authorized representative. The Court may order the continued detention of a respondent pending an additional hearing if based on the evidence available at the first hearing the Court finds probable cause to believe that the respondent is an alcoholic or drug or chemically dependent person and dangerous. Otherwise, the Court shall order that the respondent be immediately released and transported home.

Sec. 207. Emergency detention.

(a) Any person who has reason to believe that another person subject to the jurisdiction of the Court is an alcoholic or drug or chemically dependent person and extraordinarily dangerous may report to a law enforcement officer the name, address and telephone number of such person and the facts and circumstances which show that the respondent is an alcoholic or drug or chemically dependent person and extraordinarily dangerous. A law enforcement officer receiving such a report shall promptly investigate the person alleged to be an alcoholic or drug or chemically dependent person and extraordinarily dangerous.

(b) Whether or not there is such a report, a law enforcement officer or licensed physician may take into custody any person subject to the jurisdiction of the Court who the officer or licensed physician, following investigation, has probable cause to believe is an alcoholic or drug or chemically dependent person and extraordinarily dangerous. Such person shall be taken and admitted (a) to a detoxification center on the Reservation if alcoholic or (b) to an appropriate treatment facility or health care facility on the Reservation pending a hearing on the matter. Where no on-Reservation treatment facility or health care facility can provide the emergency treatment or protection needed by the detainee to protect him/her from imminent harm, the law enforcement officer or licensed physician may place the detainee in an appropriate treatment facility off the Reservation.

Upon taking a person to a detoxification center, treatment facility or health care facility, the law enforcement officer or licensed physician shall immediately submit an application to the Fort Peck Tribal Court under Section 104. A licensed physician or law enforcement officer who takes a person into emergency detention shall immediately make all reasonable efforts to notify the detainee's next of kin.

(c) A person brought to a detoxification center or treatment facility shall immediately be examined by a physician, or health care professional or, if none is available, by the person then in charge of the center. If the physician, administrator or person then in charge determines that in their professional opinion such person is an alcoholic or drug or chemically dependent person and dangerous, such person shall be admitted to the detoxification center or treatment facility. Otherwise, such person shall be released. The administrator shall immediately notify the Court of the release of any respondent. The administrator shall within eight (8) hours of admitting such person to the detoxification center or treatment facility submit a report to the Court documenting, to the extent possible, whether the detainee is an alcoholic or drug or chemically dependent person and dangerous.