

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
MENTAL HEALTH & HABILITATION BRANCH**

In the Matter of : **Case No.:**
 : **Magistrate Judge Diane S. Lepley**
 [PERSON'S NAME] :
 : **Annual Review Hearing:**
 Respondent :

**RESPONDENT'S REPORT TO THE COURT ON
INFORMED CONSENT FOR VOLUNTARY COMMITMENT**

On _____, 20____, Respondent's interdisciplinary team ("IDT") or circle of support met with Respondent to obtain and provide information to the Court for purposes of (1) assessing the Respondent's capacity to provide informed consent for voluntary commitment under D.C. Official Code § 7-1304.11(a)(1)(E); and, (2) to the extent Respondent lacks capacity to provide informed consent, identifying individuals under D.C. Official Code § 7-1304.11(a)(2) (see Question 3 below) who are reasonably available, mentally capable, and willing to consent or refuse continued voluntary commitment on behalf of the Respondent based on Respondent's expressed wishes or, if Respondent's wishes are unknown and cannot be ascertained, on a good faith belief as to Respondent's best interests. The names of the persons present at the above-referenced IDT meeting and their relationship to the Respondent are listed on the sign-in sheet filed herein. Based on the IDT meeting and in the consideration of the views made known by persons in attendance and those persons whose views were otherwise communicated, the undersigned respectfully submits this Respondent's Report to the Court on Informed Consent for Voluntary Commitment. The below descriptions do not include privileged communications between the Respondent and his or her Counsel.

1. Does the IDT believe that Respondent possesses capacity to provide informed consent to voluntary commitment?

At the time of the meeting, or prior to submission of this Report, the IDT [] reached consensus [] did not reach consensus that Respondent [] has [] does not have capacity to provide informed consent for voluntary commitment in accordance with D.C. Official Code § 7-1304.11(a)(1)(E). Under D.C. Official Code § 7-1304.11(a)(8), a prior court decision to commit a person shall not be determinative of whether the person has capacity to give informed consent to continue his or her commitment. The IDT was tasked with answering the following three (3) questions to provide the Court with information relevant to whether Respondent has capacity to provide informed consent to continued commitment:

- Is Respondent able to understand the information relevant to the decision of whether to consent to continued commitment? *[Does Respondent understand the nature of the decision and the reason why the decision is needed? Efforts to explain the nature of the decision in language understandable and accessible to the person must be made. People who can only retain information for a short while **must not** be automatically assumed to lack the capacity to decide – it depends on what is necessary for the decision in question. Different methods may be needed to help Respondent retain or understand information (e.g. written information).]*

[] Yes [] No [] Disagreement

Please explain:

- Is Respondent able to identify the potential consequences of consenting to or refusing continued commitment as part of the decision-making process? *[Sometimes people can understand information; however, they also should be able to understand the advantages and disadvantages of the decision to be made.]*

Yes No Disagreement

Please explain:

- Is Respondent able to unambiguously communicate the decision whether to provide informed consent for continued commitment? *[All steps need to be taken to aid communication. Communication does not need to be verbal.]*

Yes No Disagreement

Please explain:

Based on the above, does the IDT believe that Respondent possesses capacity to provide informed consent to voluntary commitment?

YES NO DISAGREEMENT

2. Irrespective of whether the IDT believes that Respondent has capacity to give informed consent to continue his or her voluntary commitment, has the Respondent expressed any wishes on the issue of continued commitment?

YES NO NOT APPLICABLE

Please explain:

3. To the extent the IDT agrees that Respondent lacks capacity to provide informed consent, which individual(s) has/have been identified to provide consent or refusal for continued voluntary commitment on behalf of the Respondent?

APPLICABLE NOT APPLICABLE

In accordance with D.C. Official Code § 7-1304.11(a)(2), the following individual(s) has/have been identified who is/are reasonably available, mentally capable, and willing to consent to or refuse continued voluntary commitment on behalf of the Respondent:

One or more None

Respondent's General Guardian, _____.

Respondent's Limited Guardian, _____.

Respondent's Conservator, _____,

who has obtained specific authority from the Court to provide informed consent.

Respondent's spouse or domestic partner, _____.

Respondent's adult child, _____.

Respondent's parent, _____.

Respondent's adult sibling, _____.

Respondent's religious superior, _____.

Respondent's close friend, _____.

Respondent's nearest living, adult relative, _____.

The known address of each person identified above is provided in the Certificate of Service.

Because no individual has been identified under D.C. Official Code § 7-1304.11(a)(2)(A)-(I) who is reasonably available, mentally capable, and willing to consent to or refuse continued voluntary commitment on behalf of the Respondent, it is recommended that the Court appoint a guardian *ad litem* for that sole purpose.

4. To the extent one or more individuals has been identified as being reasonably available, mentally capable, and willing to consent to or refuse continued voluntary commitment on behalf of the Respondent, has he or she made known the decision that he or she intends to make?

YES NO NOT APPLICABLE

If yes, for each individual, please list the decision he or she has made known.

5. To the extent more than one individual has been identified as being reasonably available, mentally capable, and willing to consent to or refuse continued voluntary commitment on behalf of the Respondent, and their respective views have been made known, has any individual with lower priority indicated that he or she intends to challenge the decision of an individual with higher priority as set forth in D.C. Official Code § 7-1304.11(a)(5)-(6)?

YES NO NOT APPLICABLE

If yes, please provide the name of the person(s) and the relationship to the respondent.

6. Based on the answers to the questions detailed in this Report, is there a possible need for the Court to convene an evidentiary hearing?

YES NO DISAGREEMENT

Please explain:

DATED: _____

Respectfully submitted,

Name and D.C. Bar number
Address
Telephone
Email
Counsel for the Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Respondent’s Report to the Court on Informed Consent for Voluntary Commitment was sent by e-service where appropriate and otherwise sent by first-class mail, postage pre-paid, on this ____ day of _____, 20__, to the following:

Respondent Name: _____

Respondent Address: _____

Advocate Name: _____

Advocate Address: _____

Name: _____

Assistant General Counsel
250 E Street SW, 6th Floor
Washington, D.C. 20024

Name: _____

DDS Court Liaison
250 E Street SW, 6th Floor
Washington, D.C. 20024

Family/Other (including individuals identified above in Question 3):

Name: _____

Address: _____

Name
Counsel for the Respondent