

Practice Standards

December, 2012

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

1. TRAINING AND COMPETENCY:

A. A public defender assigned to represent a respondent in an involuntary commitment proceeding shall have a thorough understanding of involuntary commitment law as well as the developmental disabilities and mental health systems.

B. To be eligible for assignment to represent respondents in involuntary commitment proceedings, counsel shall demonstrate proficiency or receive training in the duties, skills, and ethics of representing involuntary commitment respondents, including supervised on-the-job training and visits to a variety of treatment facilities including the Montana Developmental Center and community service providers and group homes within the area served by the public defender if appropriate. Counsel shall utilize training and support provided by the office of the public defender.

C. Counsel shall have basic knowledge of the classification of developmental disorders and the ability to read and understand medical terminology related to developmental disabilities, mental illness, and co-occurring disorders or dual diagnosis. Counsel shall be familiar with the medications used to treat mental disorders and developmental disabilities. Counsel shall be aware of how a particular developmental disability, mental disorder, chemical dependency, or alcoholism will affect the attorney-client communications and shall recognize that communications may require assistance or special efforts on the part of counsel.