

# Office of the State Public Defender Administrative Policies

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| Subject: <b>Closing Cases</b>   | Policy No.: <b>106</b>           |
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## 1.0 POLICY

The Office of the State Public Defender has established the following procedures to ensure cases are properly closed in the case management system.

**1.1** The Director shall set the minimum information required to close a case in the case management system (case closing information). The case management system shall enforce the collection of case closing information, which shall also be reflected in the Case Closing Form.

**1.1.1** At the appropriate time to close a case, as determined below, the case closing information shall be entered into the case management system and one of the following documents shall be added to the case record in the case management system: A formal judgement, sentencing order, or disposition order that contains the case closing information required to close the case in the case management system; or

**1.1.2** A Case Closing Form that contains the case closing information required to close the case in the case management system.

## 2.0 PROCEDURES

### 2.1 CRIMINAL CASES

**2.1.1** Felony criminal cases shall be closed not later than:

**2.1.1.1** After dismissal; or

**2.1.1.2** After receipt of the official judgment and the client has been advised of his appeal and sentence review rights; or

**2.1.1.3** After time for an appeal has expired without an appeal being filed.

**2.1.2** Misdemeanor criminal cases shall be closed:

**2.1.2.1** After dismissal; or

**2.1.2.2** After sentencing.

**2.1.3** Criminal cases shall be deemed inactive:

**2.1.3.1** When the client is missing and there is no real expectation that s/he will turn up in a few weeks (true absconders).

**2.1.3.2** When the client is serving time under another jurisdiction or in another state and there is no expectation that the prosecution will do anything until the client's release.

### 2.2 YOUTH COURT CASES

**2.2.1** Youth court cases shall be closed:

**2.2.1.1** After dismissal; or

**2.2.1.2** Upon receipt of the Order of Adjudication and the time for appeal has expired without an appeal being filed.

**2.2.2** Youth court cases shall be deemed inactive:

**2.2.2.1** When the client is missing and there is no real expectation that s/he will turn up in a few weeks (true absconders).

**2.2.2.2** When the client is in placement out-of-state and there is no expectation that the prosecution will do anything until the client's release.

**2.3 INVOLUNTARY COMMITMENT CASES**

Involuntary commitment cases shall be closed:

**2.3.1** After dismissal; or

**2.3.2** After commitment and the time for appeal has expired without an appeal being filed.

**2.4 INCAPACITATED PERSONS CASES**

Incapacitated persons cases shall be closed:

**2.4.1** After dismissal of the petition; or

**2.4.2** After the guardianship and/or conservatorship is granted and the time for an appeal has expired without an appeal being filed.

**2.5 DEPENDENT/NEGLECT CASES**

Dependent/neglect cases shall be closed:

**2.5.1** After dismissal; or

**2.5.2** After the relinquishment of parental rights by the client; or

**2.5.3** After receipt of an Order Terminating Rights and the time for appeal has expired without an appeal being filed.

**2.6 APPEALS OF ALL CASES**

**2.6.1** All appeal cases shall be closed after a decision by the Montana Supreme Court, and the time for a motion to reconsider has expired without the filing of said motion. If a motion for reconsideration is filed, the case shall be closed upon final decision pursuant to the motion.

**2.6.2** Appeal cases shall be deemed inactive when awaiting the Court's decision.

**2.7 SENTENCE REVIEW**

Sentence review cases shall be closed after the decision of the Sentence Review Board has been issued and received.

**3.0 CLOSING**

Questions about this policy should be directed to:

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