

# **Practice Standards**

September 26, 2018

## **Section XIV, Representation of a Respondent in Involuntary Commitment – Mental Disorder**

### **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 mental health system.

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 State Hospital if appropriate. Counsel shall utilize training and support provided by the Office of the State Public Defender.

C. Counsel shall have basic knowledge of the classification of mental disorders and the ability to read and understand medical terminology related to mental disorders, developmental disabilities, chemical dependence and alcoholism. Counsel shall be familiar with state and local services available. Counsel shall be familiar with the legal discovery process and review information pertaining to the client's needs. Counsel shall be familiar with the medications used to treat mental disorders, developmental disabilities, and alcoholism. Counsel shall be aware of how a particular mental disorder, developmental disability, chemical dependence or alcoholism will affect attorney-client communications and should recognize that communications may require special efforts on the part of counsel.