# MENTAL COMMITMENT VS. GUARDIANSHIP - ONE IS NOT LIKE THE OTHER

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## SCENARIO #1

## Problem:

- The person is mentally ill.
- They have been in and out of mental facilities on an involuntary basis for years. The family has been advised to seek guardianship during this commitment.

### • <u>Goal:</u>

 The family wants to cut costs and seek an independent mental exam and required letter so that they can move forward.

SLIDE 2

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## SCENARIO #1

#### • <u>lssues</u>:

- The psychiatrist may not be willing;
- The psychiatrist may not have the form;
- The psychiatrist may know that the person will fight this, and he will become a witness; and/or
- The family does not ever have access to the physician because the mentally ill person sees the family as the enemy.

## SLIDE 3

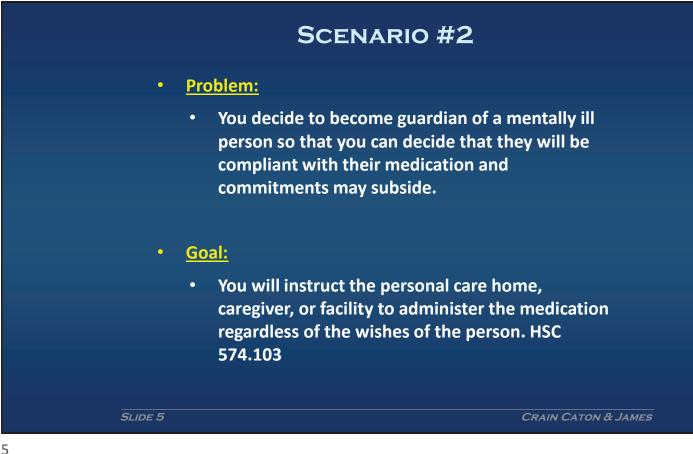
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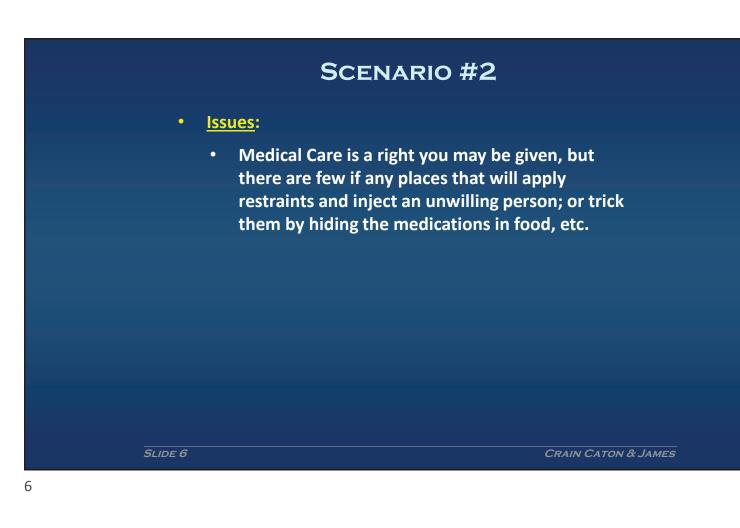
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### Possible solution:

- Get the doctor's letter and contact the ad litem for the proposed ward; now committed.
- Ask if they will present the letter to the psychiatrist and find out if they will present it.
- Ask the social worker or patient liaison if they will present it to the psychiatrist.
- If no, then you will be facing a motion for the independent mental exam after filing the guardianship.

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# Title search: Mental Commitments vs. Guardianships

Also available as part of the eCourse 2024 Estate Planning, Guardianship and Elder Law eConference

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