

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

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SCENARIO # 1

- Issues:
 - 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.

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SCENARIO # 1

- 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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SCENARIO #2

- Problem:

- You decide to become guardian of a mentally ill person so that you can decide that they will be compliant with their medication and commitments may subside.

- Goal:

- You will instruct the personal care home, caregiver, or facility to administer the medication regardless of the wishes of the person. HSC 574.103

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SCENARIO #2

- Issues:

- Medical Care is a right you may be given, but there are few if any places that will apply restraints and inject an unwilling person; or trick them by hiding the medications in food, etc.

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