

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
FAMILY COURT
MENTAL HEALTH & HABILITATION BRANCH**

In the Matter of _____ : **Case No.:**
 : **Magistrate Judge Diane S. Lepley**
 :
 : **Annual Review Hearing:**
Respondent :

**CHALLENGE TO THE
SUBSTITUTE DECISION MAKER’S REPORT REGARDING
CONTINUED VOLUNTARY COMMITMENT**

1. I, _____, hereby inform the Court that I challenge the stated decision of _____, an individual with higher priority on whether the Respondent consents to or refuses voluntary commitment. I am the [check which applies]:

- Respondent’s General Guardian.
- Respondent’s Limited Guardian, with specific authority from the Court to consent to or refuse continued commitment (order is attached to this Report).
- Respondent’s Conservator, with specific authority from the Court to consent to or refuse continued commitment (order is attached to this Report).
- Respondent’s spouse or domestic partner.
- Respondent’s adult child.
- Respondent’s parent.
- Respondent’s adult sibling.
- Respondent’s religious superior.
- Respondent’s close friend.
- Respondent’s nearest living, adult relative.
- the Guardian *ad litem* appointed to consent to or refuse continued voluntary commitment on behalf of the Respondent.

I am reasonably available, mentally capable, and willing to consent to or refuse continued voluntary commitment on behalf of the Respondent.

2. Based on my interactions with the Respondent, I considered whether the Respondent possesses the capacity to provide informed consent to voluntary commitment.

- Is Respondent able to understand the information relevant to the decision of whether to consent to continued commitment? *[Does Respondent understand the nature of the decision and the reason why the decision is needed? Efforts to explain the nature of the decision in language understandable and accessible to the person must be made. People who can only retain information for a short while **must not** be automatically assumed to lack the capacity to decide – it depends on what is necessary for the decision in question. Different methods may be needed to help Respondent retain or understand information (e.g. written information).]*

Yes No

Please explain:

- Is Respondent able to identify the potential consequences of consenting to or refusing continued commitment as part of the decision-making process? *[Sometimes people can understand information; however, they also should be able to understand the advantages and disadvantages of the decision to be made.]*

Yes No

Please explain:

- Is Respondent able to unambiguously communicate the decision whether to provide informed consent for continued commitment? *[All steps need to be taken to aid communication. Communication does not need to be verbal.]*

Yes No Disagreement

Please explain:

Based on the above, it is my belief that the Respondent [] does [] does not possess the capacity to provide informed consent to voluntary commitment.

3. The Respondent [] has [] has not expressed any wishes on the issue of continued commitment. Please explain:

4. I have made the following efforts to determine whether the Respondent has any expressed wishes regarding continued commitment. Please explain:

5. I have better knowledge of the wishes of the Respondent for the following reasons.

Please explain:

6. To the extent the Respondent's expressed wishes are unknown and could not be ascertained, I have made the following efforts to determine what would be in his/her best interest. Please explain:

7. I am better able to demonstrate a good faith belief as to the interests of the Respondent for the following reasons. Please explain:

8. Based on all of these efforts, I provide the Court with the following position on behalf of the Respondent:

The Respondent

consents to

refuses

continued commitment and this decision is based on the Respondent's

expressed wishes.

[] best interests.

DATED: _____

Respectfully submitted,

Signature

Printed Name

Title

Address 1

Address 2

Phone Number

Email Address

INSTRUCTIONS FOR FILING

This pleading can be filed electronically through CaseFileXpress or in person at the Central Intake Center of the Family Court is located on the East Wing of the John Marshall level of the District of Columbia Courthouse, 500 Indiana Avenue N.W., Room JM-520, Washington, D.C. 20001. Hours are 8:30 a.m. to 5 p.m. Phone: 202-879-1212

It must be filed no less than fifteen (15) days prior to the annual review hearing for the Respondent.

It must be mailed or e-served to the persons listed in the Certificate of Service on the next page.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this Challenge to the Substitute Decision Maker's Report Regarding Continued Voluntary Commitment was sent by e-service where appropriate and otherwise sent by first-class mail, postage pre-paid, on this _____ day of _____, 20__, to the following:

Respondent Name: _____

Respondent Address: _____

Respondent's Counsel: _____

Respondent's Counsel's Address: _____

Advocate Name: _____

Advocate Address: _____

Name: _____

Assistant General Counsel
250 E Street SW, 6th Floor
Washington, D.C. 20024

Name: _____

DDS Court Liaison
250 E Street SW, 6th Floor
Washington, D.C. 20024

Family/Other:

Name: _____

Address: _____

Signature of filer