

**PROCEDURE FOR: Hearing Application: Probable Cause**

- POLICY:**
1. A Probable Cause Hearing will be arranged when a patient, or a patient confined in the hospital under a Physician's Emergency certificate, wishes to leave the hospital but remains gravely disabled or a danger to him/herself or others and submits in writing a request for such a hearing.
  2. A Probable Cause Hearing may be requested after a commitment application.
  3. A patient can have only one Probable Cause Hearing.
  4. Copies of legal forms are placed in the medical chart, and copies of legal documents are forwarded to the unit manager.

**REQUIRED**

**DOCUMENTS:** Court of Probate Forms: PC802, PC184-A  
Department of Mental Health Form: MHCC-11  
Current Medications Listing and Side Effects Form

**PROCEDURE:**

**ACTION**

**POINTS OF EMPHASIS**

1. The attending physician documents in the medical record the patient's request to leave, the psychiatric symptoms that indicate the patient is gravely disabled or a danger to self or others, and that the patient has requested a Probable Cause Hearing.
2. The following actions then take place:
  - a. The team member coordinating the Probable Cause Hearing will ensure that the following process occurs:
    - 1) Inform the patient that there will be a hearing.
    - 2) Inform the patient that a Probate Judge will preside over the case and make a decision whether he/she may be discharged or remain in the hospital until the expiration of the PEC.
    - 3) Educate the patient regarding their right to be represented by an attorney at the hearing, including options for a court-appointed lawyer provided at the state's expense.
    - 4) Probable Cause Hearing Request

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Form PC802 is completed. The patient signs this form.

- 5) Form MHCC-11 Appointment of Counsel Request is completed. This form is signed by the team member coordinating the hearing.
  - 6) If the patient cannot afford to pay for an attorney, a request/order waiver PC184-A is completed by the team social worker.
  - 7) Forms PC802, MHCC-11, PC184-A (if a waiver of fees is indicated), a copy of the PEC and Demographic Sheet, a copy of the Conservator Decree (if a conservator has been appointed) will be delivered to the Clerk of the Probate Court, Monteith Drive, Farmington, CT 06032 by Courier.
  - 8) Copy of leave document packet is provided to Attorney General Office.
3. The Clerk of the Probate Court will contact the patient's attorney and all interested parties informing him/her of the time and date of the hearing.
- a. The patient's attorney will meet with the patient in the hospital prior to the hearing and review the patient's hospital chart.
  - b. The team member coordinating the hearing will arrange for a room on the unit for the hearing along with providing a tape recorder and tape to record the proceeding.
  - c. The Social Worker will notify the Attorney General's Office, date and time of hearing.
4. Following the Probable Cause Hearing, if probable cause is not found:
- a. The patient will be discharged.
  - b. The patient may elect Voluntary Status.
5. If probable cause is found:

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- a. The patient remains confined under the 15 day PEC.
  - b. If the patient is ready for discharge before 15 day PEC expires, the patient may be discharged.
  - c. If the patient is not ready for discharge before the expiration of the 15 day PEC, an Involuntary Commitment Application (PC-801) is submitted to the probate court. (Follow the Commitment Policy and Procedure).
  - d. Document time, place, and outcome of the hearing.
6. If the patient rescinds the desire to leave and signs in on a Voluntary Status, the Social Worker will send a Request to Withdraw letter to the court.

**APPROVAL:** Nursing Standards Committee

**EFFECTIVE DATE:** 12/95

**REVISION DATES:** 12/97, 8/00, 10/03, 6/06, 7/08