

**PROBATE COURT OF FRANKLIN COUNTY, OHIO**  
**Judge Robert G. Montgomery**

IN THE MATTER OF:

Case No. MI-  
MO-

Date: \_\_\_\_\_

\_\_\_\_\_  
Alleged Mentally Ill

**HEARING ON CONTESTED MATTERS**  
**MENTAL ILLNESS CIVIL COMMITMENT**  
(RC 5122.15)

Initial Affidavit

Continued Commitment

**REPORT OF MAGISTRATE**

**HEARING NOTES**

Attorney for Respondent ("R") \_\_\_\_\_

Attorney for  Franklin Co  \_\_\_\_\_ ADAMH Board  ODMH  
 Mental Health Recovery Services Board  other \_\_\_\_\_

Court reporter \_\_\_\_\_ Interpreter \_\_\_\_\_

Independent expert \_\_\_\_\_ Guardian \_\_\_\_\_

R present  yes  no  Presence waived by R's counsel

Attorney for R discuss hearing and rights with R  yes  no

Court physician \_\_\_\_\_  Qualifications stipulated  
 Testimony as to qualifications  
 Authenticity and admissibility of medical records stipulated  Reserving right to object  
 Stipulated that Court physician may testify based upon physician's review of current medical records

Court physician interview R  yes  no when \_\_\_\_\_

Opinion based in major part on interview  yes  no

Diagnosis ("Dx")

schizophrenia  paranoid  chronic  other \_\_\_\_\_

schizoaffective disorder  bi-polar  other \_\_\_\_\_

bi-polar disorder  manic phase  depressive phase  with psychotic features

psychotic disorder not otherwise specified

organic brain syndrome

other \_\_\_\_\_

**MENTAL ILLNESS COMMITMENT HEARING**

Respondent \_\_\_\_\_

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Basis \_\_\_\_\_

Substantial disorder of  thought  mood  perception  orientation  memory

Grossly impaired  judgment  behavior  capacity to recognize reality  ability to meet the ordinary demands of life

Substantial risk of harm to (1)  self (2)  others \_\_\_\_\_

(3) Able to care for basic needs  yes  no \_\_\_\_\_

(4) Would benefit from treatment ("Tx") in a hospital as manifested by evidence of a grave and imminent risk to substantial rights of others  self

(5) Would benefit from treatment ("Tx") because (all of the following)

(a)  R is unlikely to survive safely in the community without supervision from a clinical determination.

(b)  R has a history of lack of compliance with Tx and [either (i) or (ii)]

(i)  at least 2x in last 36 months lack of compliance has been a significant factor in necessitating hospitalization or forensic/mental health unit of a correctional facility (36 months extended by length of intervening hospitalization or incarceration)

(ii)  within past 48 months, lack of compliance resulted in one or more acts of serious violent behavior towards  self or  others or threats of or attempts at serious physical harm to  self or  others (48 months extended by length of intervening hospitalization or incarceration).

(c)  R is unlikely to voluntarily participate in necessary Tx

(d)  R's Tx history and current behavior indicate R is in need of Tx in order to prevent a relapse or deterioration that would likely result in substantial risk of serious harm to  self or  others

**MENTAL ILLNESS COMMITMENT HEARING**

Respondent \_\_\_\_\_

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Least restrictive setting for Tx  inpatient civil hospital  forensic unit  outpatient

other \_\_\_\_\_

Prognosis for  episode  good  fair  guarded  poor

long term  good  fair  guarded  poor

Additional notes on direct examination \_\_\_\_\_

Court physician cross examined  yes  no \_\_\_\_\_

R testify  yes  no \_\_\_\_\_

Any other witness(es)  yes  no (see page 4 additional notes)

Motion for continuance  R's attorney  ADAMH/MHRSB/ODMH attorney  Court

Basis  independent expert  independent counsel  other

Objection  yes  no  ADAMH/MHRSB/ODMH attorney  R's attorney

Basis \_\_\_\_\_

**MENTAL ILLNESS COMMITMENT HEARING**

Respondent \_\_\_\_\_

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Sustained  Overruled  Basis \_\_\_\_\_

Voluntary submitted      Objection by ADAMH/MHRSB/ODMH attorney  yes  no

Basis \_\_\_\_\_

Sustained  Overruled  Basis \_\_\_\_\_

Additional hearing notes: \_\_\_\_\_

**FINDINGS OF FACT**

Respondent's county of residence \_\_\_\_\_

The evidence is  is not  clear and convincing that:

Respondent suffers from a mental illness diagnosed as:

schizophrenia  paranoid  chronic  other \_\_\_\_\_

schizoaffective disorder  bi-polar  other \_\_\_\_\_

bi-polar disorder  manic phase  depressive phase  with psychotic features

psychotic disorder not otherwise specified

organic brain syndrome

other \_\_\_\_\_

As a result of that mental illness, Respondent presents a substantial disorder of

thought  mood  perception  orientation  memory

Which results in a gross impairment of

judgment  behavior  capacity to recognize reality  ability to meet the ordinary demands of life

**MENTAL ILLNESS COMMITMENT HEARING**

Respondent \_\_\_\_\_

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As a result of that mental illness, Respondent represents a substantial risk of harm to

- self [R.C. 5122.01(B)(1)] (suicidal/serious physical harm attempts/ideation)
- others [R.C. 5122.01(B)(2)] (homicidal/serious physical harm attempts/ideation)
- self [R.C. 5122.01(B)(3)] (inability to care for basic physical needs)
- others/self [R.C. 5122.01(B)(4)] (grave/imminent risk to substantial rights of others  self )
- others/self [R.C. 5122.01B(5)] (would benefit as manifested by evidence of behavior)

The least restrictive alternative for the treatment of Respondent is

- inpatient hospitalization in a  civil mental hospital  forensic unit
- outpatient care in accordance with the treatment plan.
- other \_\_\_\_\_
- Other findings of fact \_\_\_\_\_

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**CONCLUSIONS OF LAW**

- Respondent  is  is not a mentally ill person subject to court order
- Respondent  is  is not entitled to be admitted as a voluntary patient
- Other conclusions of law \_\_\_\_\_

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**RECOMMENDATIONS**

The Magistrate recommends that Respondent

- be committed to the  Franklin County  \_\_\_\_\_
- Alcohol, Drug Addiction and Mental Health Services Board  Mental Health Recovery Services Board  other \_\_\_\_\_

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**MENTAL ILLNESS COMMITMENT HEARING**

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for a period of time not to exceed  90 days  two years, with placement at

Twin Valley Behavioral Health Care

The Ohio State University Harding Hospital

Riverside Methodist Hospital

Ohio Hospital for Psychiatry

Dublin Springs Hospital

other \_\_\_\_\_

Timothy B. Moritz Forensic Unit

pending transfer to Twin Valley Behavioral Health Care

The affidavit be dismissed

The record be expunged

R's counsel is relieved of further responsibility

The hearing be continued to \_\_\_\_\_, 201 \_\_\_\_ at 9:00 AM for the following reason(s)

obtain independent expert       obtain independent counsel

other \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Magistrate