

1 **Rule 6-601. Mental health commissioners.**

2 Intent:

3 To identify the types of cases and matters which commissioners are authorized to
4 hear, to identify the types of relief which commissioners may recommend, and to
5 identify the types of orders which may be issued by commissioners.

6 ~~To establish a procedure for judicial review of commissioners' decisions.~~

7 Applicability:

8 This rule shall govern mental health proceedings for involuntary commitment of an
9 individual.

10 Statement of the Rule:

11 (1) Types of cases and matters. All applications for involuntary commitment of
12 individuals alleged to be mentally ill, which are filed in ~~the district or Juvenile Court~~ in
13 counties where mental health commissioners are appointed and serving, shall be
14 referred to the commissioner upon filing with the clerk of the court, unless otherwise
15 ordered by the ~~Presiding Judge of the District Court~~.

16 (2) Authority of commissioner.

17 (2)(A) ~~The Except as limited in paragraph (4), the~~ commissioner ~~shall have the has~~
18 authority to grant relief ~~as set forth in Utah Code Section 62A-15-601 et seq Title 62A,~~
19 ~~Chapter 15, Part 6, Utah State Hospital and Other Mental Health Facilities.~~

20 (2)(B) The commissioner ~~shall have the has~~ authority to sign orders directing
21 individuals specified as designated examiners by the State Division of Mental Health to
22 conduct examinations of proposed patients ~~to determine whether the individual is~~
23 ~~mentally ill and should be involuntarily hospitalized.~~

24 (2)(C) The commissioner ~~shall have the has~~ authority to recommend dismissal of the
25 application based on the report of the examination.

26 (2)(D) The commissioner ~~shall have the has~~ authority to hold an evidentiary hearing
27 and make findings of fact, conclusions of law and recommendations to the court
28 ~~regarding the order for involuntary commitment of the proposed patient.~~

29 (2)(E) The commissioner's recommendation has the effect of an order of the court
30 until it is modified by the court.

31 (3) Judicial review. ~~Any person hospitalized or a person's legally designated~~
32 ~~representative who is aggrieved by the findings, conclusions, and order of the court, has~~
33 ~~the right to a rehearing upon a petition filed with the court within 30 days of the entry of~~
34 ~~the court order.~~

35 (3)(A) A petition for a new hearing under Section 62A-15-631(13) shall be filed within
36 30 days after entry of the commissioner's recommendations.

37 (3)(B) If the new hearing is held before a commissioner, the person committed or
38 that person's representative may object to the commissioner's recommendations under
39 Rule of Civil Procedure 108.

40 (4) Prohibitions.

41 (4)(A) Commissioners shall not make final adjudications ~~involuntarily hospitalizing an~~
42 ~~individual.~~

43 (4)(B) Commissioners shall not serve as pro tempore judges in any matter, except
44 as provided by Rule of the Supreme Court.

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