

Glossary of Terms related to Probate Court

Petition: Asking the Civil Court to have a person evaluated at a local hospital and possible commitment to the Alabama State Department of Mental Health.

Probable Cause Hearing: Court hearing in which the probate judge decides the outcome of the petition.

Pick-up Order: A petition in which the consumer is living in the community and the judge has approved the petition for the consumer to be picked-up by the Sheriff's Department and taken to the hospital. This is not a warrant and is not entered into the police system. A pick-up is only done once a hospital bed for the consumer is arranged and the order is given to the Sheriff's Department for that date. The order does not allow for forced entry, so someone has to be there to open the door for the Sheriff.

Act 353: This act gives the police in Jefferson County the authority to take a consumer into protective custody if they suspect the person is mentally ill and have witnessed that consumer doing something that is putting the consumer or someone else in danger. They can take that person to UAB hospital for evaluation.

Jail Transfer: The consumer is in jail and the judge has approved the petition for the consumer to be transferred from the jail to the hospital.

Jail Hold: The consumer still has pending charges in criminal court and must return to jail after the civil petition has been resolved.

Activate the petition: The hospital doctor activates the petition if the consumer was admitted to the hospital voluntarily. This means a hearing will be set and the consumer cannot leave the hospital.

Hold the petition: The hospital doctor can hold the petition if the consumer was admitted to the hospital voluntarily. This means no hearing will be set and the consumer is at the hospital voluntarily.

Drop the petition: The hospital doctor has permission by the judge to drop the petition if the doctor feels the consumer is stable and wants to discharge him/her back to the community.

Guardian Ad Litem: Court appointed attorney working on behalf of the consumer.

Advocate: Court appointed lawyer working on behalf of the state/petitioner.

Pauper's Oath: Waives court costs to the petitioner.

Commit: Decision made by the judge based on testimony from the hearing in which the consumer is taken under the custody of the State Department of Mental Health and transferred to a long care facility (Bryce, VA Tuscaloosa).

Dismiss: Decision made by the judge based on testimony from the hearing in which he feels the petition is not warranted and the petition is dismissed. The consumer is no longer under court order to stay in the hospital.

Continuation: Decision made by the judge based on testimony from the hearing in which the petition is continued at the local hospital for further evaluation. A second hearing is set. A petition can be continued for 30 days from the date activated.

Outpatient Commitment (OPC): Decision made by the judge based on testimony from the hearing in which the consumer is court ordered to continue his/her mental health treatment in community instead of at the state facility. In order for an outpatient commitment to be ordered, treatment must be arranged for the consumer in the community. The maximum time for an OPC is 150 days.

Hold OPC: Local Mental Health Center must hold OPC meaning that the court recognizes the Mental Health Center as the treatment team of record.

Treating OPC: The doctor that agrees to provide the actual treatment to the consumer during the OPC. This can be a private psychiatrist.

Revocation: The consumer under OPC is in violation of the court order and the judge has approved the consumer to be picked-up by the Sheriff's Department and brought back to the hospital. A revocation hearing is then set and the judge will decide whether to turn the outpatient commitment to an inpatient commitment.