

**MAINE PSYCHOLOGICAL
ASSOCIATION
ANNUAL CONFERENCE**

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THE ROLE OF PSYCHOLOGICAL EXPERTS
IN THE INVOLUNTARY COMMITMENT
PROCESS

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Charles L. Robinson, Ph.D.

CHARLES L. ROBINSON, PH.D.

Clinical and Forensic Psychology

Post Office Box 299
Manchester, Maine 04351
207-622-1885

E-Mail: psyxprrt@aol.com
www.forensic-psychologist.com

THE ROLE OF PSYCHOLOGICAL EXPERTS IN THE INVOLUNTARY COMMITMENT PROCESS

A. ISSUES TO BE CONSIDERED

1. Presence or Absence of a Major Mental Disorder
2. The Risk of Harm as a Result of the Disorder
 - (A) To the Self
 - (B) To Others
 - (C) Due to an Inability to Care for the Self or the Reasonable Certainty of a Deterioration Expected to Bring About Serious Harm if not Treated on an Involuntary Basis
 - (D) The Nature of "Risk"
3. Is Inpatient Involuntary Hospitalization the Least Restrictive Available Alternative?
4. A Need for Treatment is Not, in and of Itself, a Foundation for Civil Commitment
5. Voluntary Versus Involuntary Hospitalization
6. The Adequacy of the Treatment Plan
7. Length of Stay
8. The Capacity to Consent to Treatment (Competence)

B. PRE-EXAMINATION ISSUES

1. Chart Review - You Are Not Expected to Independently Verify These Observations
2. Staff Consultation as Indicated

C. EXAMINATION PROCESS

1. Disclosure of Purpose
2. Mental Status
3. History and History Clarification
4. Forensic as Opposed to Clinical Nature of the Examination - Process Variables

D. THE REPORT

1. Timely Filing to Appropriate Parties
2. Patient Identification and Procedures
3. Relevant History
4. Mental Status
5. Conclusion on Issues A1-A7

E. PRE-HEARING CONFERENCE

1. Non Adversarial
2. Group Dynamic Factors
3. Professional Identity Issues
4. Appreciation of the Forensic as Opposed to Clinical Context of the Hearing Process
5. Recognition That the Ultimate Issue is to be Resolved by the Finder of Fact

F. TESTIMONY

1. The Importance of the Oath
2. Probability Versus Certainty
3. Clear and Convincing Evidence (75%)
4. Limits of Knowledge
5. Expert Versus Fact Witness
6. Direct Examination
7. Cross Examination
8. The Hearing as Therapeutic Event
9. Stipulations

G. ROLE STRAIN AND THE HUMANISTIC DILEMMA

1. Fallibility and Best Effort
2. The Importance of Ethical Independence
3. Incompatible Roles Regarding Treatment and Education

H. PRACTICE CONSIDERATION

1. Fees
2. Availability