

1 IN THE SOUTHERN UTE TRIBAL COURT
2 ON THE SOUTHERN UTE RESERVATION

3 IN THE INTEREST OF :) Cause No.
4 Respondent) PETITION FOR INVOLUNTARY
) COMMITMENT

5 Petitioner, _____, files this
6 Petition for Involuntary Commitment under section 8-3-110 of the
7 Southern Ute Indian Tribal Code, alleging Respondent, _____
8 _____:

9
10 _____ Is an alcoholic and has threatened, attempted to
11 inflict, or has inflicted physical harm upon her or
12 him self or another. "Alcoholic" as used in this
13 petition means Respondent habitually uses alcoholic
14 beverages to the extent that Respondent's health is
substantially impaired or endangered or that
Respondent's social or economic functions are
disrupted. Southern Ute Indian Tribal Code § 8-3-102
(1) (1989 Revision).

15 _____ Respondent is incapacitated by the use of alcohol.
16 "Incapacitated" as used in this petition means that
17 Respondent, as result of using alcohol, is unconscious
18 or has judgment otherwise so impaired that Respondent
19 is incapable of realizing and making rational decisions
20 in regards to treatment, or Respondent is unable to
21 take care of basic personal needs or safety, or lacks
22 sufficient understanding or capacity to make or
23 communicate rational decisions concerning her or him
24 self. Southern Ute Indian Tribal Code §8-3-102 (2)
25 (1989 Revision).

26 _____ Respondent has refused to submit to a medical
27 examination.

28 _____ The certificate setting forth the physician's findings
in support of the allegations of this petition is
attached as Petitioner's exhibit #1.

_____ Petitioner believes evidence and testimony can be
presented reflecting clear and convincing proof of the
need for involuntary commitment of the Respondent.

Respondent is currently located at _____

The following is a statement of the Respondent's specific

1 rights as set forth in Sections 8-3-109 and 8-3-110 of the Southern
2 Ute Tribal Code, as well as the Respondent's generally rights
3 under the Southern Ute Indian Tribe's Code of Civil Procedures:

- 4 1. The right to challenge such detention by application to
5 the court for a writ of habeas corpus;
- 6 2. The right to be represented by counsel at every stage
7 of the proceedings relating to this commitment;
- 8 3. The right to have counsel and/or a guardian ad litem
9 appointed by the court if the respondent wants assistance
10 of counsel;
- 11 4. The right to notice of hearing regarding all court
12 proceedings relating to this petition;
- 13 5. The right to be present, unless represented by a guardian
14 ad litem, at all court proceedings relating to this
15 petition;
- 16 6. The right to cross examine any witnesses, offer evidence
17 relating to the issues raise by this petition, and present
18 witnesses in any proceedings relating to this petition;
- 19 7. The right to know in advance of any hearing the names of
20 any witness who will testify in support of the petition;
- 21 8. The right to remain silent;
- 22 9. The right to be examined by a court appointed, licensed
23 physician, if Respondent has previously refused to be
24 examined by a licensed physician; and
- 25 10. The right to appeal any order of this Court.

26 WHEREFORE, Petitioner prays that:

- 27 1. The Court order that hear be held on this petition within
28 ten days of the date this petition was filed;
- 29 2. The Court order Respondent to remain at _____
30 _____ until hearing
31 can be held on this matter; and
- 32 3. For such other relief as the court may deem just and
33 proper in these circumstances.

34 SIGNED this day of _____, 199__.

35 _____
36 Petitioner

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VERIFICATION

I swear that I have read the foregoing and that the facts and matters contained in this petition are true, accurate, and complete to the best of my knowledge and belief.

Petitioner

Subscribed and sworn to, before me this _____ day of _____, 199__.

Clerk of Court or Tribal Judge

NOTICE OF HEARING

You are hereby notified that a hearing on the above is set for the _____ day of _____, 199__, at the hour of _____ A.M./P.M.

Dated: _____
Clerk of Court

CERTIFICATE OF SERVICE

I certify that I personally served the above notice of hearing and petition upon the following parties:

Person Served	Date/Time Served	Serving Officer
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____