



Title 47 Holds and Attorney Contact with Involuntarily Detained Patients

Why must an attorney be allowed to speak with a Title 47 patient? Patients who are involuntarily detained have a right to counsel and a right to immediately speak with their attorney.

What should I say when an attorney calls and asks to speak to a patient? If the patient is listed as a Title 47 patient, then ask for the attorney's name and contact information and arrange for the attorney to speak with or visit the patient at the soonest opportunity.

What if the patient has opted out of the directory? Information about the Title 47 patient can still be released to the patient's attorney.

How do I verify an attorney's name and identity?

- If the attorney is not a public defender, you can ask the patient if the attorney represents them.
- Most Title 47 attorneys are appointed by the court and can be verified by checking to see if they are on staff with the public defender's office.
- If an attorney is not listed on the public defender's website, or you are suspicious that a caller is not who they claim to be, then ask for the attorney to provide identification and confirm that the person is listed in the Alaska Bar Association's attorney directory: <https://alaskabar.org/member-services/member-directories/>. If in doubt, contact Legal for assistance. Suggested language for these situations: *"I understand that it is important for you to be able to speak with your client, however, I need to verify your identity before I can release information about a patient. Can you provide a copy of your driver's license?"*

What if the patient does not want to speak with the attorney?

Staff should explain the importance of them speaking with the attorney. A patient may be confused when they are first told that they have an attorney, because the patient may not know that they have an attorney that has been assigned by the court.

- It may help to tell the patient that *"This person is here/calling to speak with you to make sure that your rights are represented. It is important that you speak to them so that they can do the best job possible to protect your rights."*
- If a lawyer is appointed by the Court, it may help to tell them that: *"This attorney has been appointed by the Court and so is free to you. Also, the case is not related to any type of criminal proceeding."*
- It may also be helpful to show the patient the "Notice of Rights Form MC-405" that was given to them. That form explains that a lawyer will be appointed to them under



the section that states “A Lawyer has been appointed for you.”

If the patient still affirmatively declines the contact, then this may be told to the attorney and should be noted in the medical record. If the patient has a legal guardian, then the legal guardian should be informed of the refusal. If the patient changes their mind, then the contact with the attorney should be initiated as soon as possible.

What if a patient asks to call a lawyer? Provide the patient with a telephone along with any useful instructions on how to call outside the hospital so that they may contact their lawyer immediately. The patient has a right to communicate *immediately* with an attorney, their parents if a minor, a legal guardian if they have one, or any other adult of their choice. ANMC must allow them to call or attempt to contact any of these people. This is also explained on the “Notice of Rights Form MC-405”.

What if the patient has a Legal Guardian? If the patient has been assigned a Legal Guardian, then the Legal Guardian should receive the same Notice of Rights forms that the patient is given. The Legal Guardian should also be informed of communication between the patient and an attorney. Suggested language: “*As the Legal Guardian for patient John Smith, we wanted you to be aware that the Court has assigned a lawyer to represent him regarding the Title 47 Hold proceeding. If you would like more information, then you are encouraged to reach out to public defender’s office at (907) 334-4400.*”

What if the patient cannot have a visitor for medical reasons?

- If a physician determines that there is a medical reason to temporarily restrict access visitors, then this should be noted in the medical record (in a progress note) by the physician.
- The attorney should be informed that visitation is being restricted due to the medical needs of the patient. The attorney should be kept up to date as to when the patient is expected to be available.
- ANMC should allow for the attorney to speak with or visit the patient as soon as medically possible. This is similar to communications with law enforcement who want to speak with a patient, who is medically not able to have a visitor.

Where can I find more information?

The ANMC “Title 47 Involuntary Holds Procedure” is available on the intranet through the ECS’s policy and procedure database.