

Alaska Statute 47.30.715

Effective January 1, 2025

- (a) After the court grants an ex parte order authorizing hospitalization for evaluation, the department shall immediately transport a person who is detained at a medical or other facility, including a correctional facility, to a crisis residential center or evaluation facility for an evaluation
- (b) A person being detained while awaiting transportation to a crisis residential center or evaluation facility may request a court hearing to review the detention at any time. The hearing shall be held not later than 72 hours after the request is filed. When the court rules on a request for review of the detention pending transportation, the court shall consider the factors listed in (d) of this section.
- (c) A person may not be detained for more than seven days while awaiting transportation to a crisis residential center or evaluation facility; however, the department or a facility detaining a person under AS 47.30.700 - 47.30.815 may file a request to extend the detention based on the person continuing to meet the standards for commitment under AS 47.30.700 and the need for a continued hold. The request must be supported by the verified or certified statement of a mental health professional and be served on the respondent, the respondent's attorney, and the division of the Department of Law that has responsibility for civil cases. When the court decides a request to extend the detention pending transportation, the court shall consider the factors identified in (d) of this section.
- (d) When ruling on a request to review or extend detention, the court shall consider the totality of the circumstances, including
 1. the length of time the person has been detained;
 2. the reason the person has not yet been transported;
 3. the person's current medical and psychiatric condition;
 4. whether the person is gravely disabled or is likely to cause serious harm to self or others;
 5. And whether the person is receiving treatment at the person's current placement.
- (e) The court shall schedule a hearing to decide a request for review under (b) of this section or a request to extend detention under (c) of this section. The hearing shall be held not later than 72 hours after the request for review or the request to extend detention, as applicable. If a hearing is held after expiration of the seven-day detention period, the detention shall be extended until the hearing
- (f) Regardless of whether a request to extend the respondent's detention has been filed, if, at any time in the course of the detention, a mental health professional at the detaining facility determines that the person does not meet the standards for commitment under AS 47.30.700, the respondent shall be released and the facility shall notify the petitioner, the respondent's attorney, the division of the Department of Law that has responsibility for civil cases, and the court.
- (g) When an evaluation facility receives a proper order for evaluation, it shall accept the order and the respondent for an evaluation period not to exceed 72 hours. The evaluation facility shall promptly notify the court of the date and time of the respondent's arrival. The court shall set a date, time, and place for a 30-day commitment hearing, to be held if needed within 72 hours after the respondent's arrival, and the court shall notify the evaluation facility, the respondent, the respondent's guardian, if any, the respondent's attorney, the petitioner's attorney, if any, and the attorney general of the time and place of the hearing. Evaluation personnel, when used, shall similarly notify the court of the date and time when they first met with the respondent.