

New IEA Procedures in the New Hampshire Circuit Court
Effective: Thursday, March 15, 2022

Before the Petition is Filed with the Court

1. Petitioner completes IEA Petition and Petitioner's portion of cover sheet
2. Petitionee is examined at hospital, per statute.
3. Certifying clinician, or designee, completes Hospital and Petitionee portion of cover sheet.
4. Certifying clinician signs Certificate of Admission.
5. Certifying clinician, or designee, "immediately" files Petition, including cover sheet, with DRF indicated on Certificate. He-M 614.08(a).
6. DRF reviews Petition to determine if it is complete. He-M 614.08(b). If Petition is not complete, DRF notifies certifying practitioner. Id.
7. If Petition is complete, DRF "immediately" files the Petition, including the coversheet with the Circuit Court with jurisdiction over the DRF. He-M 614.08(c). DRF files Petition with Court using existing means or may file using the IEA email address given to each court (e.g. ConcordCircuitIEA@courts.state.nh.us).

After a Petition is Filed with the Court

8. Immediately upon receiving a Petition, the Court docket the Petition.
9. The Court schedules a Hearing on Petition for no later than the third day excluding Sundays and Holidays, after the date the Certificate of Admission is signed. Hearings are scheduled onto the existing IEA dockets at each court location with jurisdiction over a DRF.
10. Using the Court's IEA email, the Court emails a copy of the Petition, including the cover sheet and hearing notice, to the following parties:
 - a. The Petitioner (if he or she has provided an email address)
 - b. Counsel for the Petitionee (based on the date the IEA will be heard)
 - c. DRF (may also fax)
 - d. If Petitionee is not admitted to the DRF yet, the hospital where the Petitionee is currently located (may also fax)

The DRF or the local hospital is responsible for providing the notice to the Petitioner.

11. The Hearing Notice includes the date, time, and location of the hearing. It also notes that Petitioners and Petitioner who are not at the DRF at the time of the hearing must be available to receive a telephone during the time for which the hearing is scheduled.
12. If the certifying clinician, or designee, has provided a phone number for the Petitioner, counsel for the Petitioner attempt to contact him or her before the hearing.
13. If the Petitioner is admitted to a DRF other than the one identified on the Certificate of Admission prior to a hearing on the Petition, the DRF to which the Petitioner was admitted shall immediately file the IEA Petition in the Circuit Court for the city or town where DRF to which the Petitioner is admitted is located. Additionally, the DRF to which the Petitioner was admitted shall immediately notify the Circuit Court in which the Petition was originally filed of the Petitioner's location.

Hearing on the Petition

14. Hearings on IEA petitions are conducted in much the same manner they are now.
 - a. The Judge participates via videoconference (except at NHH).
 - b. Counsel for the Petitioner will continue to appear via video or teleconference from the DRF.
 - c. Unless they appear in person, Petitioners are called on the phone by the Court (NHH) or the DRF (all others) when their case is ready for a hearing.
 - d. Petitioners who are at the DRF appear in person. If the Petitioner has not reached the DRF, the Court (NHH) or the DRF attempts to call the number provided for the Petitioner (if any).
15. If the Petitioner is not at the DRF and is not connected to the hearing by telephone, the case may be dismissed based on failure to provide timely hearing.

After a Hearing on the Petition

16. The judge prepares a written decision after the hearing.

17. By no later than the close of the next business day following the hearing, RSA 135-C:31, I, the Court emails a copy of the judge's decision to the following parties:

- a. The Petitioner (if he or she has provided an email address)
- b. Counsel for the Petitionee (based on the date the IEA will be heard)
- c. DRF (may also fax)
- d. The local hospital (may also fax)

The DRF or the local hospital is responsible for providing the notice to the Petitionee.