Rule 20. Termination of Commitment

The court shall order termination of the commitment when the commitment expires, or upon a direct discharge by the treatment facility, or upon a discharge by the Commissioner of Human Services. Terminations of indeterminate commitments are governed by Minnesota Statutes, section 253B.18 (persons who are mentally ill and dangerous) and chapter 253D (persons who are sexually dangerous or with sexual psychopathic personalities).

The order shall also discharge the court-appointed attorney.

(Amended effective October 1, 2016.)

Advisory Committee Comment - 1999

Minnesota Statutes, section 253B.12, subdivision 1, paragraph (e), provides for an order terminating the commitment if a 60-90 day report is not timely filed or if the report describes the respondent as not in need of further institutional care and treatment. There is no similar provision for terminating the commitment if the report required by Minnesota Statutes, section 253B.16, is not filed or if there is a final discharge under Minnesota Statutes, section 253B.16, or if a provisional discharge expires under Minnesota Statutes, section 253B.15, subdivision 9. This rule insures a formal termination of the proceeding and discharge of the respondent's court-appointed attorney.