



KAY IVEY
GOVERNOR

STATE OF ALABAMA
DEPARTMENT OF MENTAL HEALTH
RSA UNION BUILDING
100 NORTH UNION STREET
POST OFFICE BOX 301410
MONTGOMERY, ALABAMA 36130-1410
WWW.MH.ALABAMA.GOV



LYNN T. BESHEAR
COMMISSIONER

[Date]

[Defense Attorney]

Attorney at Law

[Address]

[City, State, Zip]

Defendant: [Name]

Case Number: [Case Number]

Dear Mr./Ms. [Attorney Last Name]:

A Circuit Court order has been received instructing the Alabama Department of Mental Health to conduct a mental evaluation on the above-named Defendant. In order to assess the Defendant and render opinions on any forensic issues contained in the court order, it is important that accurate and detailed information regarding the Defendant's background and behavior be provided. This letter is to request your input and assistance in obtaining this information about the Defendant.

Enclosed is our Defense Attorney Information Form to assist you in providing input in terms of any personal observations of the Defendant, any history of psychiatric or substance abuse treatment, any problems you may have had with communication, any evidence presented to the Court on the Defendant's condition and any other information that you feel would assist with this evaluation. This form will need to be completed and returned within **fourteen (14) business days** from receipt.

Reviewing previous mental health related treatment records is critical for this evaluation. Therefore, also enclosed is a release form to authorize obtaining Protected Health Information (PHI) from other agencies, which may be duplicated as needed. Please review the enclosed instructions, enter the data on the release form(s), have your client sign and date the form(s), witness the signature, and mail an original form to each previous treatment facility/agency. The requested records would then be delivered to us. Also, please send us a duplicate copy of any completed release forms for our records, which will enable us to follow up on any information not received in a timely manner. Please do not return blank signed release forms for our completion as our Health Information Management policies preclude altering authorization

forms after signatures are obtained. If your client refuses to sign the release form(s) or is unable to provide consent, a court order for production of records is also enclosed for your filing use. This order would need to be authorized by the circuit judge and distributed to me and any previous treating agencies/facilities by the circuit court clerk. If your client has never received any mental health or substance abuse treatment, note this on the Defense Attorney Information form.

Thank you for your time and effort in helping us to obtain this information. I would appreciate your returning the requested information (as well as any records that you may already have on this case) within **fourteen (14) business days** so that we can respond to the order of the Court. Please feel free to contact me if you have any questions.

Respectfully,

Alethea Pittman

Alethea Pittman, JD, MPA
Administrator VI – Forensic Outpatient Services
Alabama Department of Mental Health
Mental Illness & Substance Abuse Services Division
100 North Union Street, Suite 420
Montgomery, AL 36130-1410
fop.dmh@mh.alabama.gov
Phone: 334-242-3732

Enclosures: Defense Attorney Instructions Sheet
Defense Attorney Cover Sheet & Information Form
Authorization to Receive Protected Health Information (Release Form)
Court Order for Production of Records (blank; for filing use)

DEFENSE ATTORNEY INSTRUCTIONS

STEP 1: Submit the following documents to the Forensic Outpatient Program

1. Defense Attorney Information Form (attached): this is a fillable form. Signature fields are not fillable and will need to be signed by the defense counsel.
2. Original completed Authorization to Release/Receive Protected Health Information Forms (Release Form attached) must be correctly completed and signed by the Defendant for known previous treating entities. ***These forms must be witnessed.* Please do not put client's name on the Release of Information where the previous treating entity's name should go. Please do not send blank releases that only have the client's signature to the Forensic Outpatient Program.**

NOTE: If the Defendant is not capable of giving consent, please submit an order for Production of Records to the Circuit Judge and submit the order to the previous treating entity. ***Previous treating entities must be listed on the order for production***

NOTE: If limited intellectual functioning is an issue, complete release form for school records.

STEP 2: Send Defense Attorney Information form and a copy and/or copies of the release form(s) to:
DMH Forensic Outpatient Program Email at fop.dmh@mh.alabama.gov
(DO NOT SEND TO INDIVIDUAL EMAIL ADDRESSES) or

Mail to:

Alethea Pittman, JD, MPA
Administrator VI - Forensic Outpatient Services
Alabama Department of Mental Health
Mental Illness & Substance Abuse Services Division
100 North Union Street, Suite 420
Montgomery, AL 36130-1410
fop.dmh@mh.alabama.gov
Phone: 334-242-3732

STEP 3: **Send original release form(s) and signed court orders to the previous treating entity(ies).**
PLEASE ENSURE THERE IS A WITNESS TO THE CLIENT'S SIGNATURE ON THE RELEASE FORM.

PLEASE ENSURE TO LEGIBLY WRITE/TYPE YOUR CLIENT'S NAME, DOB, AND SSN AT THE TOP OF THE FORM IN THE SECTION INDICATED.

STEP 3 IS THE RESPONSIBILITY OF THE DEFENSE ATTORNEY

COVER SHEET

DEFENDANT'S NAME _____

DEFENDANT'S CURRENT LOCATION: _____ JAIL _____ ON BOND

RACE: _____ SEX: _____ DOB: _____

SOCIAL SECURITY NO. : _____

CONFIRMATION OF CASE NUMBER(S)/CHARGE(S) BY COURT FILE:

CASE NO: _____ CHARGE: _____

CASE NO: _____ CHARGE: _____

CASE NO: _____ CHARGE: _____

JUDGE _____

DISTRICT ATTORNEY: _____

ADDRESS: _____

CITY/STATE/ZIP: _____

TELEPHONE: _____

DEFENSE ATTORNEY: _____

ADDRESS: _____

CITY /ST A TE/ZIP: _____

TELEPHONE: _____

NEXT COURT DATE: _____

Forward Cover Sheet with the following documents to our:

DMH Forensic Outpatient Program Email at fop.dmh@mh.alabama.gov.

Mail to:

Or

Alethea Pittman, JD, MPA
Administrator VI - Forensic Outpatient Services
Alabama Department of Mental Health
Mental Illness & Substance Abuse Services Division
100 North Union Street, Suite 420
Montgomery, AL 36130-1410
fop.dmh@mh.alabama.gov
Phone: 334-242-3732



Alabama Department of Mental Health

Forensic Outpatient Program

RSA Union Building

100 North Union Street, Suite #420

Post Office Box 301410

Montgomery, AL 36130-1410

PHONE: 334-242-3732 FAX: 334-242-3025

DEFENDANT NAME: _____

RACE/SEX _____ DOB: _____

SOCIAL SECURITY NO.: _____

Defense Attorney Information

Side 1

Pending Charge(s)/Case Number(s): _____

Extent of contact with defendant/date of last contact: _____

Observations/Information regarding the need for clinical evaluation, including specific difficulties in communicating with the defendant: _____

Circumstances surrounding the alleged offense that led you to believe the defendant's mental state is an issue: _____

Previous convictions/pertinent background information _____

Previous psychiatric treatment (PLEASE HAVE DEFENDANT SIGN AUTHORIZATION TO RELEASE/RECEIVE PROTECTED HEALTH INFORMATION FORM FOR EACH TREATING AGENCY AND FORWARD ORIGINAL TO THE AGENCY AND A LEGIBLE XEROX COPY TO THE FORENSIC OUTPATIENT PROGRAM); _____

DEFENSE ATTORNEY INFORMATION

SIDE 2

NEXT OF KIN: Name _____ Relationship _____

Complete Address: _____

Telephone Number: _____

Information from relatives, friends, etc., that would clarify defendant's mental condition: _____

Defendant's current location: _____

Date: _____

Attorney: _____

Address: _____

Telephone: _____

Please return this form and copies of Authorization to Release/Receive Protected Health Information form along with pertinent reports/records you may have to:

DMH Forensic Outpatient Program Email at fop.dmh@mh.alabama.gov.

Mail to:

Or

Alethea Pittman, JD, MPA
Administrator VI - Forensic Outpatient Services
Alabama Department of Mental Health
Mental Illness & Substance Abuse Services Division
100 North Union Street, Suite 420
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 Forensic Outpatient Program
 RSA Union Building
 100 North Union Street, Suite #420
 Post Office Box 301410
 Montgomery, Alabama 36130-1410
 Phone: 334-242-3732 Fax: 334-242-3025

Patient's Name: _____
 Date of Birth: _____
 Social Security #: _____
 ADMH Record #: _____

AUTHORIZATION TO RELEASE/RECEIVE PROTECTED HEALTH INFORMATION

I authorize ADMH Forensic Outpatient Program to: **Release to** _____ **Receive from** _____

Previous Treating Facility: _____

Address: _____

City: _____ State: _____ Zip: _____

copies of my health information for the treatment period _____ to _____
 (date) (date)

I specifically authorize the release of the following information: _____

Purpose for disclosure: _____

I understand that information contained in the documents to be released may include, but is not limited to, drug and alcohol use, abuse or dependency or related conditions, sexually transmitted disease or sexual orientation, behavioral or mental health conditions, Immunodeficiency Syndrome (AIDS) diagnosis and AIDS related conditions.

I further understand my authorizing the disclosure/obtaining of my health information is voluntary. I understand I need not sign this form in order to receive treatment. I understand I may inspect information to be used or disclosed as provided by law. I understand that when the information is disclosed by the ADMH Forensic Outpatient Program pursuant to this authorization, it has no control over the recipient re-disclosing this information.

I understand I have the right to revoke this authorization at any time. I understand that to revoke this authorization, I must provide a specific request to revoke the authorization in writing to the Forensic Outpatient Program at the Alabama Department of Mental Health. I may revoke this authorization except to the extent that action has been taken in reliance on the authorization or this authorization was obtained as a condition of obtaining insurance and law provides the insurer the right to contest a claim under the plan. If this authorization is not expressly revoked, it will automatically expire six (6) months from the date of my signature below.

I acknowledge that I have read and fully understand this authorization as it applies to me. My signature authorizes execution of the terms of this document. A copy or facsimile of this authorization will be considered as valid as the original.

 Signature of Patient/Legal Representative Date Time

If signed by a legal representative, a description of the representative's authority to act is as follows:

 Witness Date Time

NOTE TO PARTY RECEIVING INFORMATION: This information has been disclosed to you from records whose confidentiality is protected by federal law, which prohibits you from making any further disclosure of information without the specific written consent of the person to whom it pertains, or as otherwise permitted, by such regulations. A general authorization for the release of medical or other information is not sufficient for this purpose (Federal Regulation 42 CFR, Part 2).

IN THE CIRCUIT COURT OF _____ COUNTY, ALABAMA

STATE OF ALABAMA

v.

_____,
DEFENDANT.

)
)
)
)
)
)

CASE NO. _____

ORDER FOR PRODUCTION OF RECORDS

I, the undersigned Circuit Judge, do hereby certify that, it having been alleged to me that certain records of the above-named Defendant (DOB _____, SSN: _____) are in the custody of the agencies noted below, that the records are subject to the confidentiality provisions of 38 United States Code Section 7332 and 42 C.F.R. Sections 2.1 59 2.67-1, and that production of the records is necessary to the completion of the psychiatric evaluation and treatment ordered by this Court,

THEREFORE, after weighing the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship and to the treatment services,

CONSIDER, ORDER, ADJUDGE AND DECREE that good cause exists for production and disclosure of the records, ***at no cost to the defendant, defense counsel and/or the Alabama Department of Mental Health***, that other competent evidence or sources of information regarding the patient's condition are not reasonably available, that there is no successful treatment or rehabilitation of other patients, and that the following limitations on disclosure shall be imposed:

- 1) Disclosure is limited to the following described parts of the patient's records:
Hospitalization/Treatment Summaries, Mental Status Examinations, Physical Examinations, Psychological Testing Reports, Social History Studies, Lab & X-Ray Reports, Other (specify):

- 2) Disclosure is limited to the following agency whose need for information in order to execute a court order for outpatient mental evaluation is the basis of this order:
Alabama Department of Mental Health, Forensic Outpatient Program;
- 3) A copy of this Order shall be forwarded by the Clerk to the agencies listed below, which shall release the identified records to the attention of Alabama Department of Mental Health, Forensic Outpatient Program, 100 North Union Street, Montgomery, Alabama 36130-1410, upon the receipt of this Court Order.

ORDERED this _____ day of _____, 2019.

Circuit Court Judge

Distribute to:

Alabama Department of Mental Health
Forensic Outpatient Program
100 North Union Street
Post Office Box 301410
Montgomery, Alabama 36130-1410
Email: fop.dmh@mh.alabama.gov
Fax: 1 (334) 242-3025

**ATTORNEY TO LIST PREVIOUS TREATING ENTITY(IES)
AND/OR FACILITY IF DEFENANT IS IN CUSTODY:**

CLERK TO DISTRIBUTE