



Devastated by Cancer

Description

Imagine the Worst that Could Happen...

This is an updated version of an article first appearing in the **Echo** Regional Magazine July 2018. My wife of 29 years, **Cathy Liston** was diagnosed with terminal Lung Cancer in April, 2017 and died February 24, 2019.

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In July of 2018 my wife **Cathy Liston** left our mountainside home to walk some five miles to **Eagle River Walmart** in stocking feet carrying a plastic bag filled with cleaning supplies and her purse. I followed in our truck urging her to get aboard and kind neighbors finally intercepted Cathy.

Planning for death is against human nature. My parents didn't do it even though they lived well into their 80s. My theory is that **Donald Liston, Sr.** wanted his three offspring to fight over his massive array of junk until only the attorneys won. As Executor of my parent's estate, I fired both of my sister's previous choices for attorneys and picked one who helped me close it out.

When my sister complained at my action, I revealed my theory of Dad's wishes and told her: "Sue me."

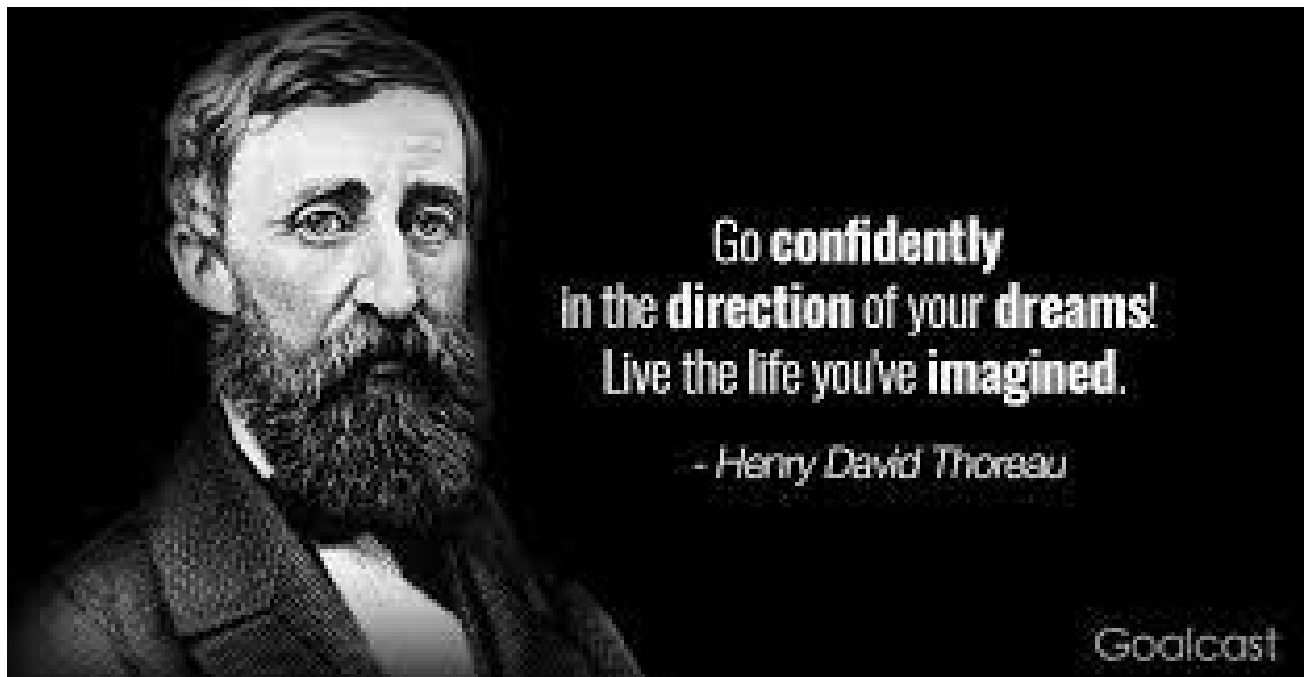
My wife Cathy and I had no wills either, although I prepared drafts of what we had talked about doing, and attempted on many occasions to work them out together. With her diagnosed terminal cancer—the act of finalizing wills became too difficult to consider.

And, my life became ever MORE complicated

as Cathy's illness progressed.

(Advertising available for estate planning lawyer here.)

Early American Transcendentalist writer **Henry David Thoreau** believed strongly in the power of nature and *living simply*. In his work **Walden**, Thoreau wrote: *I went to the woods because I wished to live deliberately, to front only the essential facts of life, and see if I could not learn what it had to teach, and not, when I came to die, discover that I had not lived.*



Henry David Thoreau was a writer who reflected early American values.

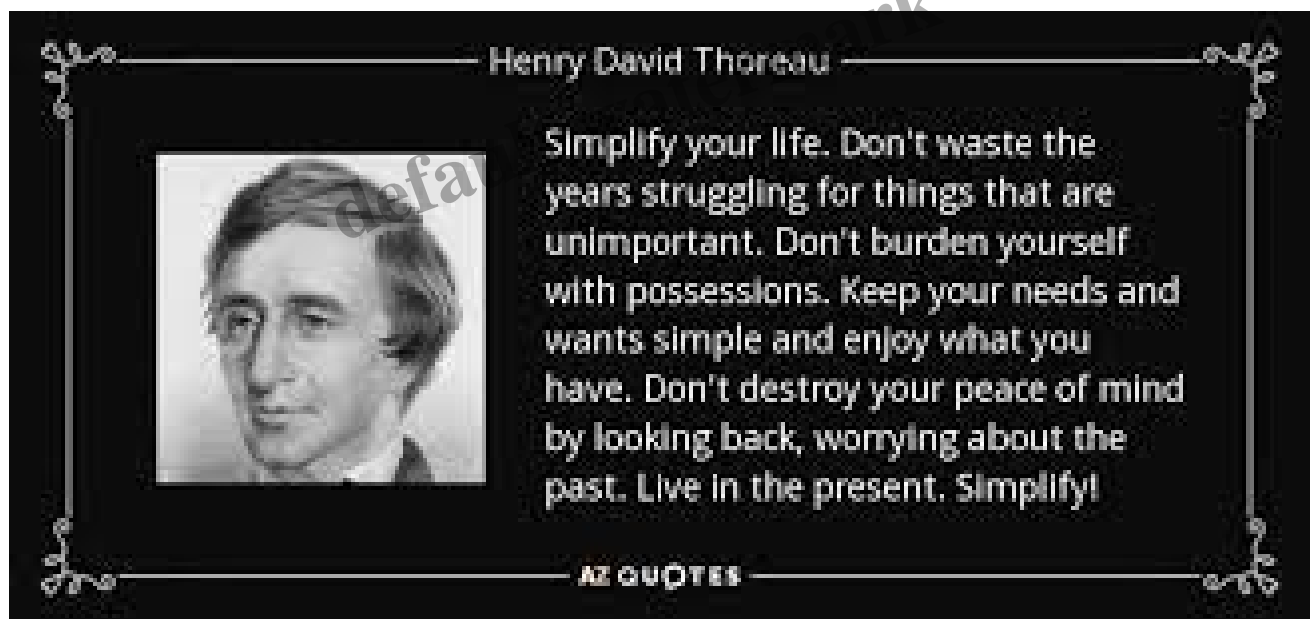
From an early time in my adulthood this notion of ***living life deliberately*** has resonated with me, although I have developed a touch of cynicism about Thoreau, who lived two years in a cabin on ***Walden Pond***—that he mooched use of from a friend—to write about being ever so independent and otherworldly. From **Wikipedia**: *By immersing himself in nature, Thoreau hoped to gain a more objective understanding of society through personal introspection. Simple living and self-sufficiency were Thoreau's other goals, and the whole project was inspired by **Transcendentalist Philosophy**, a central theme of the **American Romantic Period**.*

The American Romantic Period is Long Past and

Conspicuous Consumption has Replaced *Simple Living*

Before I married Cathy I had been living on a 24-ft sailboat in the various harbors around Juneau five years; *living* simply year-round, through storms and sunny days, launching frequently with a half-rack of beer on a Friday, to sail around the area and return Monday morning, motoring up **Gastineau Channel** to face life's details always demanding my attention on shore.

The brass plaque on that boat said: ***Time spent sailing is not deducted from your lifetime.***



That was living!

But the one thing I missed in this idyllic lifestyle was my library of classic literature. I also owned an old Canadian Army surplus "Loadstar" box truck (with a lift gate!) where I kept all my stuff in storage. It had to be moved frequently and any books taken to my boat had to be in plastic bags—one or two at a time—or they would disintegrate in the moisture.

So, when I determined I needed a place to keep **and savor** my books I ended up renting a 5th floor efficiency apartment near the capitol, which happened to be across the hall from Cathy's apartment.

There, one thing led to another...



Cat's youngest daughter had just graduated from ***Juneau-Douglas High School*** and moved to Washington by the time we got married. I had no kids; Cat made it clear to me that she would have had nothing to do with ME if I had kids. **In our pact I also made it clear to HER that I was marrying HER and not her kids: "You can tell them or I will," I said.**

The two older kids got the message, but the youngest one is very needy and inclined toward dependency, instead of living life deliberately.



This selfie was taken above our Eagle River home shortly before Cathy was diagnosed with terminal cancer.

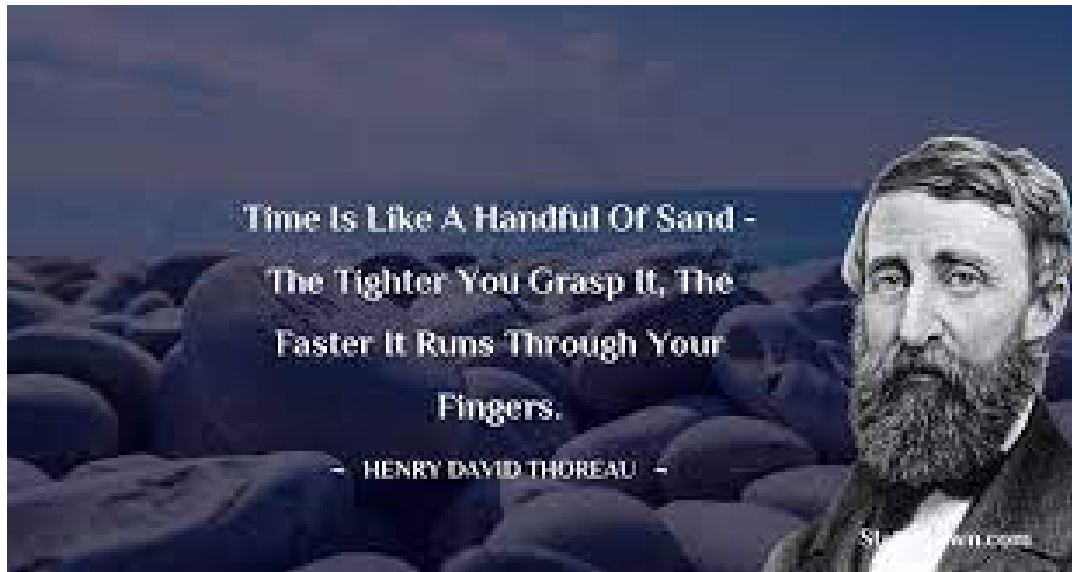
A lot of things can happen over 29 years of absolute commitment to a person you love and cherish. Cat's youngest daughter will not likely ever understand this because she was on husband #3 and had four children from her serial monogamy. She usually moves on from a marriage when the child(ren) are in elementary school.

I have tried to get along with this woman, and we forgave the loans we provided to attend college in Washington, so she could become a Registered Nurse. I also once wrote an affidavit supporting her when her own sister took the side of husband #2 in THAT custody battle.

The older sister's affidavit also alleged drug abuse.

Cathy and I were very proud when this daughter became a nurse, but I marveled that she didn't appear to understand how to keep from having an unexpected baby!

Don't nurses know that kind of stuff?



How Quickly things can Change

When Cathy was first diagnosed with lung cancer in April of 2017 we were told by the Oncologist that she probably had 12-18 months to live. Her attitude and willingness to fight to live were important factors for beating the cancer. I wrote about this journey in three previous **Echo Magazine** stories:

[1]**Reflections of Hope from the Past**, February 14, 2018

[2]**Cancer Changes Everything**, March 2018

[3]**Consequences of Not Facing Reality**, May 2018

Knowing Cathy-the-fighter, I was optimistic; I had heard from and read about many who have gone through the treatments and are alive today, cancer free. I had hope, and attended to her around the clock since the April diagnosis. Cathy had always been a strong-willed woman and partner, but this was difficult for me.

Between January and May of 2018 we had returned to our previous home of Juneau so I could work as Legislative aide to Eagle River legislator, Rep. Lora Reinbold. This was our last adventure together.

Our upper Eagle River mountainside home is a quiet, comfortable place to reflect on what is meaningful in life. It's downright **Transcendental!**



Cathy was brave when the doctor introduced her to the Gamma-Knife Radiation treatment theater in February, 2018, with her former youngest daughter. The cancer had metastasized to her brain. Cathy changed dramatically after this treatment. She would never again be the person I had known three decades. After this event I could not protect Cathy even with having her Power of Attorney prepared and signed together in our family doctor's office.

Inevitably chaos prevailed. Inside our home became a dump, Cathy's legendary cooking skills vanished and I faced abundant challenges. Cathy placed electric appliances with dirty dishes—and

even diapers—into the dishwasher and cycled them. This person I had trusted with everything dear to me—including finances—was very confused.

And despite the support offered by so many dear friends, I never felt so utterly alone

Early on I reached out; to the **Alaska Cancer Society**, and all the prospective support agencies. I came to the conclusion they must be paid by the number of referrals made between each other; not a one came to our home and looked at what I might do to deal with this *whirling dervish*.

Point of fact: From the beginning I asked Cat's doctors for some help dealing with Cat's regimen of some 25 medications—including opioids and fentanyl. She was managing them all, and in deference to her "right to have a say in her treatments," I was stiff-armed—until we approached a pending catastrophe.

*In June **Alaska Regional Hospital** finally assigned a **Nurse Navigator** to help us out, and she visited at the chemo treatment center. She made weekly phone calls to check in with us. On one notable call, I reported to her that Cat was at that moment walking down our road with a bag full of cleaning supplies, in her stocking feet, determined to go the five miles to **Eagle River Walmart**. I was following in our truck with flashers on and Cathy refused to get aboard. The Navigator listened to my description of the situation, and told me she will be calling again next week.*

Good Luck!

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By posting on our Facebook neighborhood closed group Cat was lovingly met at a lower bend in the road and this crisis was brought to a positive conclusion.

All this time stepdaughter is constantly in the background whispering into Cat's ear on the landline. The cell phone I bought specifically for Cat when she last visited Ohio after radiation didn't get used there and didn't come home when Cat returned to Anchorage. That's at least partially because Cathy couldn't even operate a television remote anymore.

The daughter wasn't an RN anymore, either, because she stole medications from the hospital where she was working and lost her license. She became a trophy wife, doting mother, busy-body with plenty of time on her hands and need for a new source of drugs. On Mother's Day she called early to talk to Cat and Cat told me she didn't want to talk. Chemo treatment had been administered the previous day and she wanted to sleep, *Mothers Day or not*.

I told the daughter this fact. She became indignant. Next she had the 5-year-old call—and Pappa talked to her, too—telling her Nanny would call back! Cathy had a telephone next to her bed and could have answered or joined these calls had she wanted to.

I told Cat of the calls.

Soon thereafter two **Anchorage Police Officers** showed up for a "welfare check." I happily spoke to

them and took them into our bedroom where Cat was able to have a meaningful weary conversation with them. They saw her meds were well organized, everything was in order, and she was indeed recovering.

I later found allegations in the report called to APD to be incredible.

The next time step-daughter decided to create drama from Ohio was a call to APD alleging domestic violence! When Anchorage cops arrive on a call of DV, if there is any hint of abuse, somebody goes to jail. Further, you cannot touch anyplace on Cat's body now and not cause a bruise, so such a charge is easy to make and hard to prove false. The incident which precipitated this charge was the result of Cat coming at me with clenched fist as if she was going to hit me. I simply grabbed both of her wrists and backed her up and sat her butt into her easy chair. She showed the officer she had bruises on her wrists.

I called our pastor while the cops were there and he came directly. My neighbor gave immediate testimony as to my character and what she knew about the situation. One cop made a call to the district attorney asking what to do.

I was ordered to stay a night in a hotel and leave my vulnerable wife ALONE.

From May forward I had been trying to accommodate this situation the best way I could, talking to professionals and looking at alternatives while caring for a woman inclined to do random crazy things. Every bag of household garbage had to be inspected thoroughly to discover what may be needed items for daily living.

The best option I thought might work was the **Adult Daycare Activity Program** at the **Chugiak/Eagle River Senior Center**. I might get some opportunity alone to deal with the house!

On the Monday I took Cat there she was enthused about all of the activities available, and she agreed to try it for the free week, during which I hoped to figure out how we would pay for it. She only made it one day. Backchannel discussions with her outside daughter were apparently undermining everything I was trying to do.

Soon another life-threatening action by Cathy required me to call her primary doctor and seek help. He suggested I apply for a court order for psychological evaluation, which I did.

[4]Order for Psych Exam, 3AN-18-01870PR

**The Court Order to take Cathy to API for evaluation
was Diverted by APD**

This situation came to a head on Tuesday, July 17, at 1 a.m. Two **Anchorage Police Department** officers and the stepdaughter—with an unknown male companion—arrived at our home. I had known something was up from Cat's agitation and childlike comments she made.

But what occurred was surrealistic—I will never get over this violation.



Although she could hardly walk, Cathy's daughter hauled her mother (and whatever they could steal) down the driveway to an awaiting private vehicle.

I was restrained in the gazebo as stepdaughter—under APD escort—ransacked our home, removing business files, marital assets and whatever else she could allege her mother wanted.



Stepdaughter took charge of Cathy and Cathy's drugs

I spent the entire next day replacing my driver's license at DMV—stolen in my wallet under the watchful eyes of Anchorage's Finest—and dealing with stolen credit cards. Fraudulently using my ID, they withdrew the pittance in my **KeyBank** account in Tacoma, WA, where the stepdaughter's eldest daughter lives. The money was later returned because it was proven by bank investigators to have been taken fraudulently.

I was debilitated by my wife being kidnapped and taken to a place she hated. She had told me many times she wanted to die in Alaska and I felt I had let her down.

It is not desirable to cultivate a respect for the law, so much as for the right.

-Henry David Thoreau

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author

Later, from Ohio through the nonprofit *Alaska Legal Services Agency* they would allege domestic violence and file for divorce. Charges were dropped at the courthouse door when I appeared with my attorney and three witnesses.

Didn't Cost Them a Penny

I had Cat's **Power of Attorney**. I had a court order for a psychological examination requested with guidance of Cat's doctors and a full investigation, but we don't live in a state where **Rule of Law** matters anymore. Throughout our marriage I had only wanted what was best for Cathy, but she was abruptly taken out of state instead of receiving the help WE needed in Alaska.



This month—looking back over six years since Cat’s fateful first diagnosis of cancer—I have come to realize things CAN get worse because there are mixed up people in this state—and there are also evil people in this world—ready to exploit vulnerable Alaskans.

Watch this site for the story of next diabolical events...

References:

[1]Reflections of Hope from the Past

[Reflections of Hope From the Past](#)

[2]Cancer Changes Everything

Lifelong Learning

By Donn Liston



CANCER CHANGES EVERYTHING

Everything changes when a loved one is diagnosed with cancer. Everything. And while the afflicted person may seem to be perfectly normal in his or her persona, don't be surprised if you don't understand actions they take. I have experienced a nearly complete role reversal with my wife Cathy now after a year of chemo and radiation treatments have impacted her physically and mentally.

It may not be initially apparent to people who have known Cat, but over an extended conversation, some things don't make sense. It's not her fault. And, from being a dutiful husband who understands the three magic words of every mature marriage, "You're Right, Dear!" a profound change has happened in our relationship.

Cathy isn't in charge anymore, and I am now a Cancer Patient Caregiver.

I didn't apply for this job, as I once did apply and accept a position to work as a Professional Care Assistant (PSA) with a local care provider agency. There I worked with people requiring constant care because of physical or mental deficiencies.

I liked the work. I provided relief for families or loved ones who had responsibility for the custodial care of disabled persons. My favorite thing to do was walk or push them around in a wheelchair on the bike trails around Anchorage—discovering wonders of nature. Each "client" had a profile to be learned. I had to be able to overlook what some people call unusual behavior. I had to be accommodating without being patronizing; help when asked for help, and let usual difficulties occur.

WE LEARN FROM DIFFICULTIES.

On one occasion a mentally ill person in my care hopped out of the car and began trying to hitch-hike at the drive-out of a McDonald's. I let her do it until she appeared to be endangering herself by blocking a car trying to leave. We received training in how to restrain people without hurting them.

I was dealing with people I had not previously known who needed services. I had to account in writing for what we did in 15-minute increments. It was objective. I had a personnel manual and training about how to accommodate the needs of clients. Expectations were specific.

My wife's cancer is subjective. Our love and experience

together over 28 years make this a very personal and difficult circumstance. Perhaps by reflecting upon my experience, others may understand responsibilities in similar situations.

ROLES OF A CANCER CAREGIVER

A book entitled "Cancer Caregiving A to Z" by the American Cancer Society provides a good overview of what is required: "A caregiver may take on many roles—from home health aide to companion. A caregiver may help feed, dress, and bathe the patient, as well as arrange schedules, manage insurance issues, and provide transportation. Caregivers serve as legal assistants, financial managers, and housekeepers. They often have to take over the duties the person with cancer once performed, while continuing to meet other family members' needs. In addition, a caregiver can have enormous influence on how the patient deals with his or her illness. The caregiver's encouragement can help the patient stick with a demanding treatment plan and take other steps that are necessary to get well, like eating nutritious meals or getting enough rest."

That's the textbook description. Someone applying for a job as a caregiver could paraphrase that statement and impress someone seeking applicants for a cancer caregiver position.

But as a family member, I have a lot of anxiety and fear about what is happening to my wife and what I can do about it. In semi-retirement I am able to dedicate myself to figuring out her medication regimens—personally providing 24/7 attendance to her needs—if she will accept my efforts.

Sometimes Cathy acts like a recalcitrant 8-year-old: "You aren't the boss of me!"

The strength of our marriage has always been in an abiding trust and willingness to talk through differences. Certain parts of our life were her domain and the rest of the things needing to be done required agreement. When we have had differences they have sometimes been downright explosive but we start every day fresh and applied rules of fair play to resolving those differences.

WEEKLY CHEMOTHERAPY HAS CHANGED ALL OF THAT.

Again, from the referenced Cancer book: "Side effects can include short-term hair loss, fatigue, nausea, and vomiting. Drugs and other treatments can help with the side effects of chemotherapy. Many patients have few or no side effects, and for many of those who have few problems. No one can

predict who will and will not

Cathy has a history of health issues. She has been to appointments and hangouts administered through a "port" for easy access without having time. I have become familiar with the personnel at Alaska Oncology and Hematology the treatment team.

Sometime back Cat had three episodes of uncontrollable jerking and two hospital bed with special cushioned sidebars.

I have mentioned before how she has been when it came to managing requiring mastery of details. Her cancer-cigarettes-smoke!

After more than a year of treatment she has been fogged. Her ongoing confusion is everything she says or does.

It breaks my heart to realize Cathy has always done, like cooking, with out a lot of food she tried to prepare a great seamstress and loves to her legs and has fallen two months ago, Cat has a blood clot in her Emergency Room. I now administer with a syringe, something I have

We hear of many people who have the spirit of a champion. We experienced "Chemo Brain" would make light of the fact she can't remote work.

However, I am heartened by the beautiful wife leaves the chemotherapy. Her sense of humor is undaunted would have people thinking R

She isn't going down without a

[3]The Consequences of Not Facing Reality

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Cathy Liston reacts to recent news at Alaska Oncology

The consequences of not facing reality

BY DONN LISTON

There isn't a way to prepare yourself for dealing with a loved one having cancer. No matter how many years of watching someone smoke pack after pack of cigarettes, the actual diagnosis strikes right at your heart. The ensuing changes in behavior and attempts to accommodate everyday challenges become overwhelming.

One year ago in April my wife, Cathy got up in a strange darkened bedroom at our daughter's home and fell over a granddaughter's plywood kitchen set. She injured three ribs and had to have x-rays to determine if they were broken. That's when lesions in both lungs were discovered.

I always knew this was coming.

Next come the specialists; the oncologist and others who begin to evaluate the situation and determine what course of treatment needs to be taken. First the tears, then notifying relatives, and the hopeful plan of action. The diagnosis: 12-18 months to live. Time to pray.

The fact someone chooses to engage in a habit that is detrimental to health was my first clue that sometime in the future I would be dealing with the inevitable crisis of cancer. From the start of our marriage 28 years ago I tried to get Cathy to quit. I pleaded with her, bargained with her, threatened her, but tobacco was her first love and tobacco will always be ahead of me in line for her fidelity.

Smoking anything to meet requirements of an addiction means the lungs and respiratory system are being compromised.

On the other hand, I don't believe in addiction. I believe people have free will and use of narcotics including tobacco is a choice. Once that choice has been initiated the need for it becomes more than

many people can overcome to quit. Yet I have seen smokers make the firm decision to quit and that was it.

An event of my own childhood preempted me from ever engaging in smoking. As a boy in second grade, I was wearing a fashionable "boatneck" shirt that had ¾-length sleeves. That shirt matched a shirt my father had. A family friend noted it while visiting our house and asked about it: "Donny, that shirt looks just like your dad's shirt," he said.

My reply: "Yes, except Dad's has a pocket on the sleeve where you can put a pack of cigarettes," I responded.

"So," he responded jovially, "what brand of cigarettes do you smoke, Donny?"

At this point my father cut into the conversation with a statement that placed a permanent imprint on me: "Donny doesn't smoke ANY brand of cigarettes," my father said emphatically, "and I don't just beat the hell out of him!"

They both laughed maniacally.

Strong, impressionable words. Exactly the kind of message I needed at a time that made a difference.

As a trained teacher I know now that research shows corporal punishment doesn't change behavior, it only stops bad behavior if administered immediately when inappropriate behavior is happening. Anytime my father issued corporal punishment to me it came with a lecture about why he was doing it and a measured administration according to the severity of the infraction deserving this ultimate act. The threat of it was usually enough to cause an immediate modification of my behavior.

In this case, it has had a lifelong impact.

But who am I to impose my standard on other people, even the person closest to me for now nearly one-third of my life? Too many other variables are in this formula, and the habit of constantly having to buy cigarettes, of constantly losing lighters and having to look for them, of that need beyond any other need, has become simply a background noise in the daily cycle of life.

So here we are. The wonderful Eagle River neighbors who all rallied to bring us meals. The church family who has also been there for any need we may have. We are now in a different life challenge in which time is precious and yet ever more difficult. Cathy's underlying natures are now coming forward, her need to be in control of her own situation is more pronounced, and I am committed to stay ahead of the situation to the greatest degree possible.

But it isn't possible.

Cathy has always been in control! She ran three branches of Wells Fargo Bank in Juneau, balancing all of those branches daily with teller lines taking in money and handing it out, with drive-up stations and teller machines, all working in a system of debits and credits. It made my headache to think about it. And, she still to this day manages every aspect of our finances.

Our home has always been like a 5-star hotel; immaculate. I'm a cluttery guy, myself. In Juneau, during the administration of Tony Knowles I once asked Cat: "Why do you have to keep the house so clean? The governor isn't going to show up unexpectedly—especially THIS governor!"

She had a sense of humor then.

I had met arrived in Anchorage. She painted the a designed Tony office—the A political phil he became g from youthfu

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[4]Order for Psych Exam, 3AN-18-01870PR

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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

In the Matter of the Necessity for the
Hospitalization of:

Cathy L Liston,
Respondent.
DOB: 12/16/1949,

CASE NO: 3AN-18-01870PR

JUDICIAL ASSIGNMENT ORDER

This case is assigned to the Superior Court Judge Yvonne Lamoureux for all purposes
including trial, and to Probate Master API Magistrate Judge

BY ORDER OF THE PRESIDING JUDGE

7/16/2018

Date


William F. Morse

It is recommended that counsel notify opposing parties of this assignment.

I certify that on 7/16/18
a copy of this order was given to:

Clerk: KKosednar

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Case Number: 3AN-18-01870 PR

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
AT ANCHORAGE

In the Matter of the Necessity
for the Hospitalization of:

CATHY L. LISTON

Respondent.

Date of Birth: 12/16/1949

Case No. 3AN-18-01870 PR

**ORDER AUTHORIZING
HOSPITALIZATION FOR EVALUATION**

Petitioner, Donald B. Liston (spouse), filed a *Petition for Order Authorizing Hospitalization for Evaluation* under AS 47.30.700. The court considered the following:

- ☒ Allegations in the petition.
- ☐ Testimony on record at courtroom/media # _____ Beg. log # _____
date _____ by ☐ the petitioner ☐ other persons _____
- ☐ Medical records from a healthcare facility or mental health professional reporting on the respondent's current mental and physical condition.
- ☒ Screening investigation report previously ordered by the court.
- ☐ Other _____

LOCATION OF RESPONDENT

- ☐ The respondent is currently being detained at _____
The respondent was detained on (date) _____ at (time) _____ ☐ am ☐ pm.
-or-
- ☒ The respondent's current whereabouts are believed to be
Sheraton Hotel--Anchorage, AK or 22051 Upper Canyon Dr., Eagle River, AK

CONTACT WITH RESPONDENT (Check all that apply)

Respondent was interviewed in regard to the petition:

- ☐ On record at courtroom/media # _____ Beg. log # _____
date _____
- ☐ By the following mental health professional, _____, on
(date) _____ at (time) _____ ☐ am ☐ pm.
- ☒ An interview with the respondent was not reasonably possible because:
Screening Investigator was unable to contact Respondent.

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Case Number: 3AN-18-01870 PR

FINDINGS

After evaluating the reliability and credibility of the information provided, the court finds:

1. There is probable cause to believe the respondent is mentally ill because:

Respondent was diagnosed with brain cancer in April 2017. She receives constant medical care, takes approximately 25 medications per day, and is undergoing chemotherapy. She has also experienced occasional depressive episodes even prior to her cancer diagnosis. She has exhibited changes to her functioning, personality, and behavior. She previously self-administered her medications, but she was not taking them correctly and her husband now manages her medications. Her husband must also inject her with blood thinners in her stomach two times a day, but she is refusing to allow him to do this. Respondent is currently exhibiting symptoms consistent with a mental illness, and she has refused to be transported for a mental evaluation to determine a course of treatment for her.

2. There is probable cause to believe the respondent is:

☐ Likely to cause serious harm to himself or herself because:

☐ Likely to cause serious harm to others because:

☒ Gravely disabled because:

she turned on her gas stove today without igniting a flame. The house was filled with gas when her husband awoke. She had also loaded the dishwasher with dirty adult diapers, paperwork, and electrical appliances. She is increasingly experiencing episodes where she is low-functioning, and she is not currently safe in the community

ORDER

It is ordered that the *Petition for Order Authorizing Hospitalization for Evaluation* is **GRANTED**. It is also **ORDERED** that:

1. The Department of Health and Social Services or its designee, or Anchorage Police shall arrange for immediate delivery of the respondent to the following evaluation facility for examination and evaluation of the respondent's mental and physical condition:

☒ Alaska Psychiatric Institute
☐ Bartlett Regional Hospital
☐ Fairbanks Memorial Hospital

☐ PeaceHealth Ketchikan Medical Center
☐ Yukon-Kuskokwim Delta Reg. Hospital
☐ Other _____

[AS 47.30.700; AS 47.30.710; AS 47.30.870; and AS 47.30.915(5)]

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Case Number: 3AN-18-01870 PR

2. Respondent has a guardian ☐ Yes ☒ No ☐ Unknown
Respondent is a minor ☐ Yes ☒ No ☐ Unknown
Guardian or parent contact information is as follows:
Name(s) _____ Relationship _____
Address for service _____
Phone _____ Fax _____
3. The respondent shall be notified immediately, orally and in writing, of the rights contained in the *Notice of Rights* (court form MC-405, available from the court clerk or online at <https://public.courts.alaska.gov/web/forms/docs/mc-405.pdf>). Minor respondent's parent or guardian and adult respondent's guardian shall also be notified of the rights in the *Notice of Rights*. These notifications and a copy of this order shall be given by:
- ☐ The person or entity currently detaining the respondent
☒ Local police Anchorage Police Department
☐ Alaska State Troopers _____
☐ The petitioner
☒ Other: Evaluation Facility upon arrival
4. The evaluation facility shall accept this order and the respondent for an evaluation period not to exceed 72 hours. Within 24 hours after arrival at the facility, the respondent shall be examined and evaluated as to mental and physical condition by a mental health professional and by a physician. [AS 47.30.710(a); AS 47.30.715]
5. The evaluation facility shall timely file a *Notice of Respondent's Arrival at Evaluation Facility* (court form MC-400) with the court and Public Defender Agency upon arrival of the respondent at the facility. Court form MC-400 is available from the court clerk or online at <https://public.courts.alaska.gov/web/forms/docs/mc-400.pdf>. If the respondent arrives at the facility between the hours of 9:00 a.m. and 3:00 p.m., notice is timely if filed no later than 3:30 p.m. on the same business day. If the respondent arrives at the facility between the hours of 3:00 p.m. and 9:00 a.m., or at any time during the weekend or on a holiday, notice is timely if filed no later than 9:30 a.m. on the first business day following the respondent's arrival. Notice shall be by fax to the numbers designated on the MC-400 form.
6. If the respondent cannot be delivered to the designated evaluation facility within 24 hours of this order, the Department of Health and Social Services through its attorney shall file a **status report** with this court describing:
- Respondent's current location;
 - Reason(s) for the delay in transporting the respondent;
 - Steps taken by the Department to ensure that continued detention of the respondent at the current location is necessary and no less restrictive alternatives are available;
 - Whether an alternative evaluation facility is now being proposed; and
 - Whether another means of evaluation can be used (such as telemedicine).
- Filing shall take place within the 24 hour period to the court that issued this order, and an updated status report shall be filed every 24 hours until the respondent is delivered to the designated evaluation facility. A copy of each status report shall be served on the Public Defender Agency, the respondent, the guardian and guardian ad litem of any respondent, and the parent of any minor respondent.

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Case Number: 3AN-18-01870 PR

Clerk's Certificates of Distribution of Master's Order

I certify that on 07-17-18
at 12:04 ☒ am ☐ pm, a copy of the
following documents:

- ☒ this Order with master's signature
 - ☒ Petition for Order Authorizing Hosp. for Eval.
 - ☐ Notice of Rights (MC-405)
 - ☐ Notice of Emergency Detention (MC-105)
 - ☒ Order for Screening Investigation *(consigned copy)*
 - ☒ Screening Investigation Report
- were sent to the following persons/entities:

- ☐ Petitioner
- ☐ Respondent
- ☐ Parent/Guardian of Respondent
- ☒ PDA fax
- ☒ AGO fax
- ☒ API to fax (907) 269-7262
- ☐ Bartlett Reg. to fax (907) 796-8439
- ☐ Fairbanks Mem. to fax (907) 458-5255
- ☐ PeaceHealth Med.to fax (907) 228-8333
- ☐ Y-K Delta Reg. to fax (907) 543-6099
- ☐ Title47MC@akcourts.us
- ☒ Anchorage Police

By Clerk OKB *with Direction
for Service
Form*

Clerk's Certificates of Distribution of Judge's Order

I certify that on 07/17/2018
at 11:45 ☒ am ☐ pm, a copy of the
following documents:

- ☒ this Order w/ superior court judge's signature
- ☒ Petition for Order Authorizing Hosp. for Eval.
- ☐ Notice of Rights (MC-405)
- ☐ Notice of Emergency Detention (MC-105)
- ☐ Order for Screening Investigation

were sent to the following persons/entities:

- ☐ Petitioner
- ☐ Respondent
- ☐ Parent/Guardian of Respondent
- ☐ PDA
- ☒ AGO
- ☒ API by fax to (907) 269-7262
- ☐ Bartlett Reg. to fax (907) 796-8439
- ☐ Fairbanks Mem. to fax (907) 458-5255
- ☐ PeaceHealth Med.to fax (907) 228-8333
- ☐ Y-K Delta Reg. to fax (907) 543-6099
- ☒ Title47MC@akcourts.us

By Clerk 

I certify that on 07/17/18
Copies of this form were sent to:
AG, PD, API
Clerk: TGZ

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Case Number: 3AN-18-01870 PR

7. The examination and evaluation shall be completed within 72 hours of respondent's arrival at the evaluation facility. [AS 47.30.715] A petition for a 30-day commitment shall be filed or the respondent shall be released from the evaluation facility before the end of the 72-hour evaluation period (unless respondent requests voluntary admission for treatment).
8. If at any time before or during the 72-hour evaluation period, a mental health professional determines that the respondent does not meet the standards for hospitalization in AS 47.30.700, the respondent shall be released, and the parties and court shall be notified of the release using court form MC-412 (if before transport) or form MC-410 (if after arrival at facility). These forms are available from the court clerk or online at www.courts.alaska.gov/forms/index.htm#mc.
9. The Public Defender Agency is appointed counsel for the respondent in this proceeding. Counsel is authorized access to medical, psychiatric or psychological records maintained on the respondent at the evaluation facility.
10. This order shall expire after seven days, unless the respondent is at a medical facility awaiting transportation to an evaluation facility or is at an evaluation facility.

11. _____

Superior Court Judge

This matter was considered directly by the undersigned superior court judge. The *Petition for Order Authorizing Hospitalization for Evaluation* is GRANTED.

Date and Time

Superior Court Judge

Type or Print Name

Superior Court Master

The Master recommends that the *Petition for Order Authorizing Hospitalization for Evaluation* be GRANTED.

07-17-18 @ 12:04 AM

Date and Time

David A. Bauer

Superior Court Master

Type or Print Name

Review by Superior Court Judge

The Master's recommendation is APPROVED.

(NOTE: If the Master's recommendation is NOT APPROVED, the Superior Court Judge will complete an MC-340 denial order.)

7/17/2018 10:05 a.m.

Date and Time

Yvonne Lamoureux

Superior Court Judge

Type or Print Name

Category

1. Alaska Public Safety
2. ALASKA! HEALTHCARE

Date Created

April 11, 2023

Author

donn

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