

Office of the State Public Defender Administrative Policies

Subject: Closing Cases	Policy No.: 106
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1.0 POLICY

The Office of the State Public Defender has established the following procedures for attorneys to follow in closing cases.

- 1.1 Every attorney will complete a case closing form for every case in a timely manner. The closing form will contain the minimum required information as determined by the Public Defender Commission.

2.0 PROCEDURES

2.1 CRIMINAL CASES

2.1.1 Felony criminal cases shall be closed not later than:

- 2.1.1.1 After dismissal; or
- 2.1.1.2 After receipt of the official judgment and the client has been advised of his appeal and sentence review rights; or
- 2.1.1.3 After any deferred prosecution or imposition of sentence has expired and the motion to dismiss has been granted.

2.1.2 Misdemeanor criminal cases shall be closed:

- 2.1.2.1 After dismissal; or
- 2.1.2.2 After sentencing; or
- 2.1.2.3 After any deferred prosecution or imposition of sentence has expired and the case has been dismissed.

2.1.3 Criminal cases shall be deemed inactive:

- 2.1.3.1 When the client is missing and there is no real expectation that s/he will turn up in a few weeks (true absconders).
- 2.1.3.2 When the client is serving time under another jurisdiction or in another state and there is not expectation that the prosecution will do anything until the client's release.
- 2.1.3.3 When there is a deferred prosecution or deferred imposition of sentence.

2.2 YOUTH COURT CASES

2.2.1 Youth court cases shall be closed:

- 2.2.1.1 After dismissal; or
- 2.2.1.2 Upon receipt of the Order of Adjudication and the time for appeal has expired without an appeal being filed.

2.2.2 Youth court cases shall be deemed inactive:

- 2.2.2.1 When the client is missing and there is no real expectation that s/he will turn up in a few weeks (true absconders).
- 2.2.2.2 When the client is in placement out-of-state and there is not expectation that the prosecution will do anything until the client's release.

2.3 INVOLUNTARY COMMITMENT CASES

Involuntary commitment cases shall be closed:

- 2.3.1 After dismissal; or
- 2.3.2 After commitment and the time for appeal has expired without an appeal being filed.

2.4 INCAPACITATED PERSONS CASES

Incapacitated persons cases shall be closed:

- 2.4.1.1 After dismissal of the petition; or
- 2.4.1.2 Upon termination of the guardianship

2.4.2 Incapacitated persons cases shall be deemed inactive:

- 2.4.1.1 After the guardianship and/or conservatorship is granted, but yearly reporting by the guardian and/or conservator is ordered.

2.5 DEPENDENT/NEGLECT CASES

Dependent/neglect cases shall be closed:

- 2.5.1 After dismissal; or
- 2.5.2 After the relinquishment of parental rights by the client; or
- 2.5.3 After receipt of an Order Terminating Rights and the time for appeal has expired without an appeal being filed.

2.6 APPEALS OF ALL CASES

2.6.1 All appeal cases shall be closed after a decision by the Montana Supreme Court, and the time for a motion to reconsider has expired without the filing of said motion. If a motion for reconsideration is filed, the case shall be closed upon final decision pursuant to the motion.

2.6.2 Appeal cases shall be deemed inactive when awaiting the Court's decision.

2.7 SENTENCE REVIEW

Sentence review cases shall be closed after the decision of the Sentence Review Board has been issued and received.

3.0 CLOSING

Questions about this policy should be directed to:

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