

Michael D. McClellan, Chair of Douglas County Board of Mental Health (“BOMH”)

The BOMH is a panel of nine (9) Douglas County citizens to hear cases on whether someone should be committed to involuntary treatment. Until July 1, 2025 the administrative support functions for the BOMH came from the Clerk of the District Court.

RESPONSE FROM MIKE McCLELLAN, CHAIRMAN BOARD OF MENTAL HEALTH TO PRESS CONFERENCE OF CLERK OF COURT

1. The allegations have no merit - see Judge Lux Memo dated July 1, 2024
2. No specific examples of violation of rights, because all represented by counsel at time

All represented by counsel - that is, the lawyers for the subjects of the commitment proceeding are the ones in our system in charge of protecting rights and advocating before BOMH - not Clerk of Court. Each person is represented by Public Defender or private attorney.
3. In addition, the Clerk of the Court is not a Mental Health professional. All the people for whom a Petition for Commitment is filed by the County Attorney are getting evaluation and treatment through local inpatient facilities. All have the right to engage in voluntary - versus - forced, treatment after a Petition is filed.

That's what the law calls for - voluntary treatment.

In Douglas County, Mental Health treatment professionals help decide the timing for a hearing. If patient stabilizes, perhaps the person can treat voluntarily and no hearing will be necessary.
4. No other Clerk of Court has found the violations this Clerk has found. All these alleged violations came up after she came into office even though the Board of Mental Health has operated essentially the same with regard to conducting hearings for 50 years.
5. Since summer of 2023 the Clerk of the District Court has made it difficult to operate. Support services for Board of Mental Health came under budget of Clerk of Court until July 1, 2025. See District Court Order MS 25-118

Thanks to the County Board and other interested parties for allowing the Board of Mental Health to operate by moving us from budget of Clerk of the Court to the District Court Administrator's office as of July 1, 2025.