

Compassionate Release Instructions

Important: This is general information. Procedures vary by state.

Step 1: HIPAA Authority

Your first action is ensuring you are the legal Medical POA for the inmate. Often called an Advance Directive. Without this, the prison's medical "privacy" policy will kill your case. The inmate will have to sign this form in the presence of witnesses. If the inmate is able. You can get a form for your specific state, here: <https://www.caringinfo.org/planning/advance-directives/by-state/>

Step 2 – Obtain an Alternative Care Plan

Prepare a written plan identifying where the inmate will live, who will provide care, medical providers, insurance/payment, transportation, and contact information. Courts and correctional agencies often require this to ensure the inmate will receive appropriate care if released.

Step 3 – Make Copies

Keep the original. Send copies with supporting medical records to the prison Warden and retain proof of delivery.

Step 4 – Submit a Written Request to the Warden

Sometimes family members prefer to skip this part due to the fact no one is listening, and they go directly to filing in court. It may be better to go through the warden first, but he may not do anything or even deny the urgency. It is your choice who you want to demand for the inmates release. Explain the inmate's diagnosis, prognosis, functional limitations, and why compassionate release is requested. Describe concerns that appropriate treatment cannot be adequately provided in custody, if applicable, and attach supporting records. Template 1

Step 5 – Gather Supporting Evidence

Include physician letters, hospital records, hospice evaluations, medication lists, and declarations from family or proposed caregivers.

Step 6 – Follow Prison Administrative Procedures

Comply with any required prison forms, deadlines, or appeals before seeking court intervention where required. If your demand goes unanswered, you may want to start by filing a motion for emergency medical release within the court of inmates original charges.

Step 7 – Research State Law

Identify the state's compassionate or medical release statute, regulations, or court rules. Requirements vary significantly.

Step 8 – File Court Motion (if applicable)

If authorized under state law, file a Motion for Emergency Medical Release with the sentencing court, attaching all exhibits. Remember to include the care plan. Template 3

Step 9 – Attend Hearing and Follow Up

Be prepared to present medical evidence, the release plan, and explain why release is appropriate.

The things you can do:

Formal Medical Demand: Send the “8th Amendment Notice of Deliberate Indifference” to the Warden and Regional Medical Director. It puts a “paper trail” of liability on them. Everything is evidence. A Warden’s refusal to acknowledge a medical notice is evidence. If inmate dies while this notice is pending, they are legally liable for a wrongful death suit. Template 2 8th Amendment

The Doctor’s Statement: You do not just need “prison records.” Use Doctor statements who know of the condition. If after you've given the Warden notice, and still the prison says the inmate is “fine,” you have the legal right to file a motion for release and present evidence that the inmate is dying.

The Court Trigger: File for “Emergency Medical Release/Compassionate Release” the second the prison’s own records indicate a life-threatening decline. Template 3