

APPLICATION FOR 3-DAY COMMITMENT FOR MENTAL ILLNESS G.L. c. 123, § 12(e)	DOCKET NUMBER	Trial Court of Massachusetts Juvenile Court Department
APPLICANT'S NAME <hr/> <hr/> <hr/> <hr/>	RESPONDENT'S NAME <hr/> DOB _____ GENDER <input type="checkbox"/> Male <input type="checkbox"/> Female	
AGENCY NAME OR APPLICANT'S RELATIONSHIP TO RESPONDENT <hr/> <hr/> <hr/> <hr/>	RESPONDENT'S ADDRESS AND TELEPHONE NO. <hr/> <hr/> <hr/> <hr/> TELEPHONE NO. _____	
APPLICANT'S ADDRESS AND TELEPHONE NO. <hr/> <hr/> <hr/> <hr/> HOME NO. _____ WORK NO. _____	<i>(complete only if respondent is a juvenile)</i> RESPONDENT'S PARENT(S)' OR GUARDIAN(S)' NAME, ADDRESS AND TELEPHONE NO. 1. _____ <hr/> <hr/> <hr/> <hr/> HOME NO. _____ WORK NO. _____ 2. _____ <hr/> <hr/> <hr/> <hr/> HOME NO. _____ WORK NO. _____	
<i>(complete only if respondent is a juvenile)</i> Has the child been the subject of a juvenile court proceeding? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what type of proceeding: <input type="checkbox"/> C&P <input type="checkbox"/> Delinquency <input type="checkbox"/> CHINS/Child Requiring Assistance Name of Court: <hr/> <hr/>	Who is the legal custodian of the child? <hr/> <hr/>	
What is respondent's current medical condition? _____ <hr/>		
Is respondent currently taking any medication? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list all medications: _____ <hr/>		
<p>The undersigned applicant hereby applies to this Court for an order to commit the respondent to a mental health facility for a maximum of three days because the respondent is a mentally ill person and the failure to confine the respondent would cause a likelihood of serious harm.</p>		
DATE	SIGNATURE OF APPLICANT X	

INSTRUCTIONS FOR COMMITMENT DUE TO MENTAL ILLNESS

STATUTORY BASIS FOR COMMITMENT: Under G.L. c. 123, §12(e) “any person may make application to a district court justice or a justice of the juvenile court department for a three day commitment to a facility of a mentally ill person whom the failure to confine would cause a likelihood of serious harm. The court shall appoint counsel to represent said person. After hearing such evidence as he may consider sufficient, a district court justice or a justice of the juvenile court department may issue a warrant for the apprehension and appearance before him of the alleged mentally ill person, if in his judgment the condition or conduct of such person makes such action necessary or proper. Following apprehension, the court shall have the person examined by a physician designated to have the authority to admit to a facility or examined by a qualified psychologist in accordance with the regulations of the department. If said physician or qualified psychologist reports that the failure to hospitalize the person would create a likelihood of serious harm by reason of mental illness, the court may order the person committed to a facility for a period not to exceed three days, but the superintendent may discharge him at any time within the three day period. The periods of time prescribed or allowed under the provisions of this section shall be computed pursuant to Rule 6 of the Massachusetts Rules of Civil Procedure.”

CALCULATION OF 3-DAY PERIOD: The three day maximum commitment is calculated without including the day the application was filed or any intervening Saturday, Sunday or legal holiday. If the third day is a Saturday, Sunday or legal holiday, that day is not counted, and the next day that is not a Saturday, Sunday or legal holiday is counted as the third day.

LIKELIHOOD OF SERIOUS HARM: Pursuant to G.L. c. 123, § 1, the definition of “likelihood of serious harm” which in association with mental illness justifies involuntary retention in a mental health or retardation facility is as follows: “(1) a substantial risk of physical harm to the person himself as manifested by evidence of, threats of, or attempts at, suicide or serious bodily harm; (2) a substantial risk of physical harm to other persons as manifested by evidence of homicidal or other violent behavior or evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them; or (3) a very substantial risk of physical impairment or injury to the person himself as manifested by evidence that such person’s judgment is so affected that he is unable to protect himself in the community and that reasonable provision for his protection is not available in the community.”