

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF MENTAL HEALTH**

NOTICE OF RIGHTS
(Health Care Agent)

Conditional Voluntary Hospitalization
M.G.L. Chapter 123, Sections 10 & 11

You have the right to consult with an attorney or paralegal concerning the legal effect of conditional voluntary hospitalization before you sign an Application For Care And Treatment on a Conditional Voluntary Basis on behalf of the patient in accordance with a properly invoked health care proxy. You may consult your own attorney. Alternatively, you may consult with any of the legal assistance entities listed on the Notice of Rights that is posted on the Unit or made available to you upon request, or you may consult with the facility's Human Rights Officer by calling extension during regular working hours.

Once you apply for conditional voluntary hospitalization on behalf of the patient and your application has been accepted by the facility, you must sign a three-day notice if you decide to withdraw the patient from the facility. You can request help with this notice from facility staff. The facility may require that the patient remain at the facility for up to three days (excluding Saturday, Sunday and holidays) after you sign and submit the notice.

During the three days after you submit your notice, the facility may decide that the patient's release would create a likelihood of serious harm to the patient or to others by reason of mental illness. If so, the Superintendent or other head of the facility may file a petition for the patient's civil commitment to the facility for a period of up to six months. If a petition is filed, the Court will begin the hearing within five (5) business days, not including Saturday, Sunday and holidays. The patient will have to remain in the facility until the hearing is completed unless the facility decides to discharge him/her sooner. The patient will be represented by an attorney at the hearing.

If a civil commitment petition is not filed, the patient will be discharged no later than the end of the third day after you file your three-day notice (excluding Saturday, Sunday and holidays).