

PETITION FOR COMMITMENT FOR ALCOHOL OR SUBSTANCE USE DISORDER G.L. c. 123, § 35	DOCKET NO.	Trial Court of Massachusetts
	DIVISION	

IN THE MATTER OF (name of respondent)	SOCIAL SECURITY NUMBER (respondent)	DOB OR AGE (respondent)	GENDER (respondent) <input type="checkbox"/> Male <input type="checkbox"/> Female
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PETITION FOR COMMITMENT
FOR ALCOHOL OR SUBSTANCE USE DISORDER
G.L. c. 123, § 35

The undersigned Petitioner hereby applies to this court for an order committing the Respondent named above for inpatient care and treatment for an alcohol or substance use disorder for a period not to exceed 90 days under the provisions of G.L. c. 123, § 35.

The Petitioner has reason to believe that the Respondent has an alcohol or substance use disorder, and petitions the court to find there is a likelihood of serious harm as a result of the Respondent's chronically or habitually consuming or ingesting alcoholic beverages and/or controlled substances or intentionally inhaling toxic vapors to the extent that such use substantially injures the respondent's health or substantially interferes with the Respondent's social or economic functioning, or that the Respondent has lost the power of self-control over the use of such beverages and/or substances.

Reasons Respondent may not appear before the Court if summonsed, and reasons Respondent is in immediate danger:

DATE SIGNED	PETITIONER'S SIGNATURE UNDER THE PAINS AND PENALTIES OF PERJURY		
PETITIONER'S PRINTED NAME		PETITIONER'S TITLE OR RELATIONSHIP, IF ANY, TO RESPONDENT	
PETITIONER'S CELL PHONE	PETITIONER'S HOME PHONE	PETITIONER'S WORK PHONE	

EXCERPTS FROM G.L. c. 123, §§ 1 and 35

G.L. c. 123, § 1. Definitions. "'Likelihood of serious harm', (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."

G.L. c. 123, § 35. Commitment for alcohol or substance use disorder. "'Alcohol use disorder', the chronic or habitual consumption of alcoholic beverages by a person to the extent that (1) such use substantially injures the person's health or substantially interferes with the person's social or economic functioning, or (2) the person has lost the power of self-control over the use of such controlled substances or toxic vapors."

"'Substance use disorder', the chronic or habitual consumption or ingestion of controlled substances or intentional inhalation of toxic vapors by a person to the extent that: (i) such use substantially injures the person's health or substantially interferes with the person's social or economic functioning; or (ii) the person has lost the power of self-control over the use of such controlled substances or toxic vapors."

"Any police officer, physician, spouse, blood relative, guardian or court official may petition in writing any district court . . . for an order of commitment of a person whom he has reason to believe has an alcohol or substance use disorder. . . . [T]he court shall immediately schedule a hearing on the petition and shall cause a summons and a copy of the application to be served upon the person [I]f there are reasonable grounds to believe that such person will not appear and that any further delay in the proceedings would present an immediate danger to the physical well-being of the respondent, said court may issue a warrant for the apprehension and appearance of such person before it. If such person is not immediately presented before a judge of the district court, the warrant shall continue day after day for up to 5 consecutive days, excluding Saturdays, Sundays and legal holidays, or until such time as the person is presented to the court, whichever is sooner; provided, however that an arrest on such warrant shall not be made unless the person may be presented immediately before a judge of the district court. . . . The court shall order examination by a qualified physician, a qualified psychologist or a qualified social worker."

"If, after a hearing which shall include expert testimony and may include other evidence, the court finds that such person is an individual with an alcohol or substance use disorder and there is a likelihood of serious harm as a result of the person's alcohol or substance use disorder, the court may order such person to be committed for a period not to exceed 90 days to a facility designated by the department of public health, followed by the availability of case management services provided by the department of public health for up to 1 year; provided, that a review of the necessity of the commitment shall take place by the superintendent on days 30, 45, 60 and 75 as long as the commitment continues. A person so committed may be released prior to the expiration of the period of commitment upon written determination by the superintendent of the facility that release of that person will not result in a likelihood of serious harm. Such commitment shall be for the purpose of inpatient care for the treatment of an alcohol or substance use disorder in a facility licensed or approved by the department of public health or the department of mental health. Subsequent to the issuance of a commitment order, the superintendent of a facility may authorize the transfer of a patient to a different facility for continuing treatment. . . ."

"If the department of public health informs the court that there are no suitable facilities available for treatment licensed or approved by the department of public health or the department of mental health, or if the court makes a specific finding that the only appropriate setting for treatment for the person is a secure facility, then the person may be committed to: (i) a secure facility for women approved by the department of public health or the department of mental health, if a female; or (ii) the Massachusetts correctional institution at Bridgewater, if a male; provided, however, that any person so committed shall be housed and treated separately from persons currently serving a criminal sentence. The person shall, upon release, be encouraged to consent to further treatment and shall be allowed voluntarily to remain in the facility for such purpose."