REQUEST FOR EMERGENCY HEARING

AFTER INVOLUNTARY ADMISSION TO MENTAL HEALTH FACILITY

G.L. c. 123, § 12(b)

DOCKET NO. *(to be added by court)*

Trial Court of Massachusetts
District Court Department

_____ **District Court**

To be completed after consultation with a lawyer, if any, and then filed with the court by FAX and a copy given to the facility Director.

NAME OF PATIENT

IN THE MATTER OF

I, the patient named above, have been involuntarily admitted to _____.
NAME OF FACILITY

I hereby request an emergency court hearing because I have reason to believe that my admission resulted from an abuse or misuse of the admission procedure of Massachusetts General Laws c. 123, § 12(b):

1. ☐ The hospital did not inform me of my right to request a lawyer.
2. ☐ The hospital did not notify the Committee for Public Counsel Services of my request to have a lawyer.
3. ☐ The Committee for Public Counsel Services did not appoint a lawyer to represent me, or the lawyer appointed to represent me did not meet with me.
4. ☐ A psychiatric examination was not conducted by a physician designated by the Department of Mental Health.
5. ☐ A psychiatric examination was not conducted within two hours.
6. ☐ Other abuse or misuse of the § 12(b) admission procedure *(describe the alleged abuse or misuse):*

*Please note that a designated physician's clinical decision that failure to hospitalize the patient would create a likelihood of serious harm by reason of mental illness is **not** subject to review at an emergency hearing.*

I give permission to the facility to release my mental health records to the court solely for the purpose of the requested hearing.

DATE SIGNED	COUNSEL'S SIGNATURE *(if any)*	PATIENT'S SIGNATURE
	X	X

COURT'S RULING ON REQUEST

To be completed by judge and returned to patient and admitting facility by FAX

Upon review of the above request, the Court hereby **ORDERS** that:

☐ The request for hearing is **ALLOWED** and a **HEARING IS SCHEDULED** for _____
DATE & TIME

☐ IN THIS COURT. ☐ AT THE FACILITY NAMED ABOVE.

The patient shall be present at such hearing unless through counsel he or she waives the right to be present.

☐ The request for hearing is **DENIED** because:

☐ The above request does not allege any abuse or misuse of the admission procedure of § 12(b).

☐ Other *(describe):*

DATE	JUDGE
	X

(rev. 08/08)