

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 <i>(if any)</i>	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 _____
 IN THIS COURT. AT THE FACILITY NAMED ABOVE. DATE & TIME

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