

<p style="text-align: center;">PETITION FOR COMMITMENT OF ALCOHOLIC OR SUBSTANCE ABUSER G.L. c. 123, § 35</p>	<p>DOCKET NO.</p> <hr/> <p>DIVISION</p>	<p style="text-align: center;">Trial Court of Massachusetts District Court Department</p>	
<p>IN THE MATTER OF</p>	<p>NAME OF RESPONDENT</p>	<p>DOB OR AGE</p>	<p>GENDER <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE</p>
<p>PETITION FOR COMMITMENT of Alcoholic or Substance Abuser G.L. c. 123 § 35</p> <p>The undersigned petitioner hereby applies to this court for an order committing the respondent named above for inpatient care and treatment for alcoholism and/or substance abuse for a period not to exceed 90 days under the provisions of G.L. c. 123, § 35.</p> <p>The petitioner has reason to believe that 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.</p>			
<p>DATE SIGNED</p>	<p>PETITIONER'S SIGNATURE X</p>		
<p>PETITIONER'S PRINTED NAME</p>	<p>PETITIONER'S TITLE OR RELATIONSHIP, IF ANY, TO RESPONDENT</p>		
<p>EXCERPTS FROM G.L. c. 123, §§ 1 and 35</p> <p>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."</p> <p>G.L. c. 123, § 35. Commitment of alcoholics or substance abusers. "For the purposes of this section, 'alcoholic' shall mean a person who chronically or habitually consumes alcoholic beverages to the extent that (i) such use substantially injures his health or substantially interferes with his social or economic functioning, or (ii) he has lost the power of self-control over the use of such beverages.</p> <p>"For the purposes of this section, 'substance abuser' shall mean a person who chronically or habitually consumes or ingests controlled substances or who intentionally inhales toxic vapors to the extent that (i) such use substantially injures his health or substantially interferes with his social or economic functioning, or (ii) he has lost the power of self-control over the use of such controlled substances or toxic vapors.</p> <p>"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 is an alcoholic or substance abuser . . . [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. No arrest shall be made on such warrant unless the person may be presented immediately before a judge of the district court . . . The court shall order examination by a qualified physician or a qualified psychologist.</p> <p>"If, after a hearing and based upon competent testimony, which shall include, but not be limited to, medical testimony, the court finds that such person is an alcoholic or substance abuser and there is a likelihood of serious harm as a result of the person's alcoholism or substance abuse, the court may order such person to be committed for a period not to exceed 90 days, followed by the availability of case management services provided by the department of public health for up to 1 year; provided, however, 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 that release of that person will not result in a likelihood of serious harm. Such commitment shall be for the purpose of inpatient care in public or private facilities approved by the department of public health . . . for the care and treatment of alcoholism and substance abuse. The person may be committed to the Massachusetts correctional institution at Bridgewater, if a male, or at Framingham, if a female, if there are not suitable facilities available . . . ; provided, however, that the person so committed shall be housed and treated separately from convicted criminals. Such person shall, upon release, be encouraged to consent to further treatment and shall be allowed voluntarily to remain in the facility for such purpose.</p> <p>"Nothing in this section shall preclude any public or private facility for the care and treatment of alcoholism or substance abuse . . . from treating persons on a voluntary basis."</p>			

APPLICATION FOR WARRANT OF APPREHENSION (Section 35)

When completing form Please Print: (use back of form if needed)

Person Requesting Warrant:

NAME: _____ TELEPHONE NO: _____

ADDRESS: _____

TOWN: _____ STATE: _____ ZIP: _____

Your Relationship to Subject: _____

Please fill out the following information to the best of your knowledge. Please write "unknown" for any information you do not have.

Information about Subject:

NAME: _____ TELEPHONE NO: _____

ADDRESS: _____

TOWN: _____ STATE: _____ ZIP: _____

SOCIAL SECURITY # _____ Age: _____ Date Of Birth: _____

Current Whereabouts: _____

Please list other members of subject's household, other family members, significant other's etc. (Please provide address and telephone #s where possible)

NAME: _____ TELEPHONE NO: _____

ADDRESS: _____

NAME: _____ TELEPHONE NO: _____

ADDRESS: _____

NAME: _____ TELEPHONE NO: _____

Please specify when and where you last had contact with the subject:

Present Risk of Harm to Subject or Other(s): please specify how the subject is presenting as a current danger to him/herself or others due to substance use issues (Use back of form if needed:)

Please specify the subject's current state of mind: (coherent, violent, depressed, suicidal etc.)

To the best of your knowledge, please provide the subject's drug and alcohol history:

How long has the subject been abusing drugs and/or alcohol? _____

Has the subject had any detox hospitalizations? Yes No If yes, how many? _____

Date and place of the subject's most recent detox hospitalization:

Mental Health History:

Does the subject have any mental health diagnosis? Yes No If yes, please specify:

Current diagnosis: _____ Current medications: _____

Name(s) of current treatment provider(s) _____ Phone: _____

Has the subject ever been hospitalized for any mental health concerns? Yes No If yes, please specify:

Date and place of the subject's most recent hospitalization:

Please specify any history of suicidal threats or attempts:

Medical History:

Please specify any medical issues: _____

Please list any medications for medical issues:

Please list Primary Care Doctor

Phone: _____

Other:

Does the subject have medical insurance? Yes No

If yes please specify plan and policy # _____

Is the subject employed? Yes No If yes, please specify:

If no, please specify last time subject worked:

Please specify the subject's highest level of education completed:

Please specify any history of threatening or assaultive behavior toward others:

Please specify any known legal issues:

Signed under pains and penalties of perjury: _____

Date: _____