

# About Section 12

## What is Section 12?

In Massachusetts, Section 12 of Chapter 123 of the Massachusetts General Laws controls the admission of an individual to a general or psychiatric hospital for psychiatric evaluation and, potentially, treatment. Section 12(a) allows for an individual to be brought against his or her will to such a hospital for evaluation. Section 12(b) allows for an individual to be admitted to a psychiatric unit for up to three business days against the individual's will or without the individual's consent.

## Who can sign a Section 12(a) application?

Pursuant to Section 12(a), a physician, nurse practitioner, qualified psychiatric nurse, qualified psychologist, licensed independent clinical social worker, or police officer 2 may apply to admit anyone to a facility if he or she believes that, without hospitalization, the person meets the standard for admission.

## What is the standard for admission under Section 12(a)?

The standard is whether the individual would “create a likelihood of serious harm by reason of mental illness.” “Likelihood of serious harm” means one of three things:

- The person poses a substantial risk of physical harm to him/herself as manifested by evidence, threats of, or attempts at suicide or serious bodily injury; or
- The person poses a substantial risk of physical harm to others as evidenced by homicidal or violent behavior or evidence that others are in reasonable fear of violent behavior and serious physical harm from that person; or
- The person's judgment is so affected that there is a very substantial risk that the person cannot protect himself or herself from physical impairment or injury, and no reasonable provision to protect against this risk is available in the community.

# About Section 35

## What is Section 35?

Massachusetts General Laws Chapter 123, Section 35 permits the courts to involuntarily commit someone who has an alcohol or substance use disorder and there is a likelihood of serious harm as a result of his/her alcohol or substance use. The commitment will be for inpatient care of a person with alcohol or substance use disorder in licensed or approved facility for a period of up to, but not to exceed 90 days.

## Who may file a Section 35 petition?

According to the statute, only a qualified petitioner may request the court to commit someone to treatment under Section 35. They are: a spouse, blood relative, guardian, a police officer, physician, or court official. Petitions may be filed at a District or Juvenile Court.

## What is the standard for admission under Section 35?

To meet criteria for civil commitment, “likelihood of serious harm” must exceed what harm can be reasonably assumed to exist, when any individual abuses alcohol or other drugs, but for the purpose of involuntary commitment the statute defines “likelihood of serious harm” as:

1. A substantial risk of physical harm to the person himself/herself as manifested by evidence of threats of, or attempts at suicide or serious bodily harm; OR
2. A substantial risk of physical harm to others 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/herself as manifested by evidence that such person's judgment is so affected that he/she is unable to protect himself/herself in the community and that reasonable provision for his/her protection is not available in the community.

The “likelihood of serious harm” must be directly related to the substance use and must be a current or imminent threat.

## About the Behavioral Health Provider Coalition

The Behavioral Health Provider Coalition of Cape Cod and the Islands was formed in 2013 with the goal of addressing the fragmentation and confusion surrounding the behavioral health services available to the Cape & Islands community.

While the focus of the coalition is for the provider, the ultimate goal is to improve the quality of life for the populations we serve and their supports.

Through this effort the community, people living with mental illness, and providers will be more supported and knowledge of new information will have a vehicle for dissemination.

The Behavioral Health Provider Coalition meets on the last Thursday of every month from 3:30 PM to 4:30 PM at Cape Cod Hospital - Martin's Conference Room.

We welcome guests and new members at all of our meetings!

### Find Us Online:

[www.bhpccapecod.org](http://www.bhpccapecod.org)  
[facebook.com/bhpccapecod](https://facebook.com/bhpccapecod)  
[coordinator@bhpccapecod.org](mailto:coordinator@bhpccapecod.org)

*The Behavioral Health Provider Coalition of Cape Cod and the Islands Fund, a project of The Cape Cod Foundation.*

## Understanding Section 12 & 35: *The Process, Decision Making, and Ethics*



**February 22, 2017**

4:00 - 6:00 PM  
Hyannis, MA

### Featuring:

Dr. Syed Moosvi  
Judge Christopher Welch  
Patricia Durgin  
Mary Munsell



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*of Cape Cod and the Islands*  
[www.bhpccapecod.org](http://www.bhpccapecod.org)