

BE IN THE KNOW: Massachusetts Section 35 Law and Rules of Procedure

How to write an effective Petition for a Section 35:

Courts and Judges are legal minded and while this is an emotional issue for us as parents, we need to try keeping our emotions in check in order to effectively receive help from the court. I know how hard it is, as I have had to do it many times. However, the easier it is for them to read, the better your chances are of successfully receiving the order for the warrant of apprehension and civil commitment.

1. Keep it fact based, clear and concise and in reverse chronological order; First Paragraph/Sentence should be structured as follows:
 - a. Example: My son or daughter, (Insert Name) is (insert method of use: injecting, smoking, snorting, etc.) (insert drug of choice) and has been using since (insert date of first use).

2. Next state what has happened most recently;
 - a. Example: On or about the following dates my (son or daughter) has:
 - i. (Insert Date) overdosed;
 - ii. (Insert Date) has been hospitalized for (insert medical info);
 - iii. (Insert Date) been making threats (Describe the threats: suicidal or violent towards others –intentionally OD, going to burn the house down, etc.);
 - iv. (Insert Date) been physically abusive;
 - v. (Insert Date) been arrested for, etc.

{List out their destructive behaviors here by date: Most recent to oldest.}

DATES DO NOT HAVE TO BE EXACT

If you can't remember the date, put month/year.

3. Closing Statement: Always close your request with:

“Based on the above reasons, I am in fear for my child’s safety and life. I believe that there is significant likelihood and imminent threat of death and/or harm to self and/or others. I hereby request the court order a warrant of apprehension in order to save my (son or daughter’s) life, pursuant to MGL. Chapter 123, Section 35; Chapter 276, section 25 and Massachusetts Rules of Civil Procedures: Uniform Trial Court Rules for Civil Commitment Proceedings for Alcohol and Substance Abuse G. L. c.123 s.35, Rule 3; for a minimum of 3 business days in order for me to successfully locate (him or her) and present (him or her) to the court for an Order of Examination Under Rule 5.”

4. Signing the Petition: Always end with the following Closing Salutation:
 - a. Respectfully yours, Jane. A. Doe
(Insert your contact info under your name)