

Hampden County Sheriff's Department



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Support is available for you, too.
Addiction affects the whole family

Allies in Recovery

www.alliesinrecovery.net

An online learning platform for families with a loved one struggling with drugs or alcohol.

Learn to Cope

www.Learn2cope.com

Peer-led support network for families. 508-738-5148

Speaking Out About Addiction and Recovery

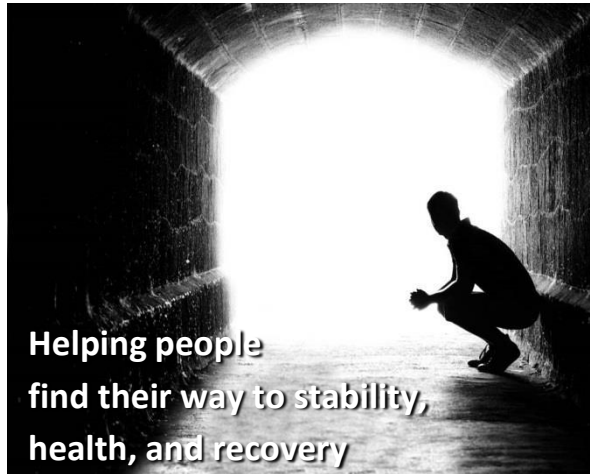
soaar2016@gmail.com

Prevention, education, support, resources.

Who can request a Section 35

Commitment?

A petitioner is the term for the person who files for a Section 35 on behalf of someone. The petitioner could be a blood relative, spouse, or guardian. Police officers, physicians, and court officials can also be petitioners. Someone can request to self-petition. In this case, the court will appoint an officer of the court to act as the petitioner and the hearing will proceed as usual



hcsdma.org
Mass.gov/section-35



Stonybrook Stabilization & Treatment Centers

Pathways to care & recovery

Understanding Section 35: Help Getting Your Loved One Stable

Being deeply concerned about someone's substance use is a difficult situation. Many people find that they don't know where to turn.

If you want to consider the option of court-ordered treatment, "Section 35," you may want answers contained in this brochure.



What is Section 35?

Section 35 allows the court to order someone who has a substance use disorder to treatment if there is a "likelihood of serious harm," as a result of his or her substance use. If granted, your loved one would be taken into police custody to begin the process of inpatient care in an approved treatment facility. Section 35 is not the same as Section 12, which is for risk of serious harm by reason of mental illness.

What determines out-of-control use that carries risk of imminent harm?

The court seeks evidence of 3 criteria:

- ♦ A substantial risk of physical harm to self, such as threats of or attempts at suicide, or serious bodily harm
- ♦ A substantial risk of physical harm to others, such as homicidal or other violent behavior
- ♦ A very substantial risk of physical impairment or injury because the person's judgment is so impaired by substance use disorder

Will my loved one stop using?

The process of recovery starts with detoxification. Treatment often increases the person's inner motivation to take steps to heal and make positive change. For some people, Section 35 begins their recovery, but Section 35 cannot guarantee change. Everyone's journey is unique and takes time. Return to use may occur before long-term recovery. Overdose risk is high upon discharge, so support and preparedness are important. Treatment does increase chances for recovery and long-term wellness.

The Section 35 Process

While courts vary, the steps below show what you might expect to happen if you decide to petition.

- ♦ At the district court house, you as petitioner fill out a form about your loved one, describing their substance use and associated risk. This includes what substances are used, amount, frequency, and other information about the concern. *It's best to arrive that morning because the process takes time.*
- ♦ The petition then goes before a judge, who decides if there is enough evidence to show likelihood of serious harm. The petitioner (you) must be present in court.
- ♦ If the petition is approved, your loved one must come to court. A summons or a warrant of apprehension will be issued.

A *Summons* is written notice delivered to a person. A *Warrant* allows police to pick up the person. A warrant is valid only during court hours.

- ♦ If a warrant is issued; your loved one will be taken into custody by police, brought to court, and put in a holding cell to wait for a hearing. This is a civil procedure that does NOT create a criminal record.
- ♦ A hearing is held with evidence presented
- ♦ Before a judge, your loved one has the right to:
 - A lawyer and to present his or her own evidence or independent information. The court will arrange for an evaluation by a forensic psychiatrist, psychologist, or approved social worker.

The judge's decision is based on whether sufficient evidence proves BOTH of these two things:
1. *The individual has a Substance Use Disorder (SUD)*
2. *There is a likelihood of serious harm as a result of the SUD.*

Once a judge has approved a Section 35 commitment, a law enforcement officer will transport your loved one to an approved Section 35 treatment facility.

What kind of help will my loved one receive if a Section 35 is granted?

- ♦ Once admitted to a treatment facility, an assessment will be completed to determine your loved one's need for detoxification. The length of time in a detoxification unit varies depending on the substance being used, the amount of use, and the time since last use, and the person's overall health.
- ♦ After detox, he or she will receive clinical support services. Your loved one will learn more about addiction, recovery, and how to prevent relapse.
- ♦ Hampden County Sheriff's Department operates the Stonybrook Stabilization and Treatment Centers in Ludlow and Springfield, MA, substantially separate from those in custody for criminal matters. Type of care and length of stay depends on individual needs and progress. SSTC presently houses men.
- ♦ Currently Section 35 treatment facilities for women are in Eastern Massachusetts. The matter is under review in the courts. HCSD aims to assist women on Section 35 commitments to the fullest extent allowed by law.
- ♦ In all of HCSD's SUD efforts, we partner with community providers, volunteers, coaches, sponsors, speakers, volunteers, and faith communities.
- ♦ HCSD acknowledges there is no wrong door to recovery and aims to make Massachusetts a "State Without Stigma"
- ♦ HCSD offers cognitive-behavioral strategies, power of example, and Medically Assisted Treatment (MAT).