## COMMONWEALTH OF MASSACHUSETTS SUPERIOR COURT DEPARTMENT

, ss.	COUNTY DIVISION Docket No.
	)
, Petitioner	) )
V.	<ul> <li>AFFIDAVIT IN SUPPORT OF</li> <li>MOTION FOR FUNDS FOR</li> <li>INDEPENDENT EXAMINATION</li> </ul>
State Hospital,	) INDEFENDENT EXAMINATION )
Respondent	) )

I, \_\_\_\_\_, counsel for \_\_\_\_\_, Petitioner, do

hereby aver that:

- Petitioner is indigent by operation of Supreme Judicial Court Rule 3:10, §1(f)(iii).
- The services sought by means of the within Motion for Funds are necessary in order that Petitioner may properly prepare for and prosecute this action.
   Denial of said Motion will place Petitioner at a substantial disadvantage.
- 3. Petitioner has a right under the United States and Massachusetts Constitutions to the services of a clinician at the Commonwealth's expense in that the Commonwealth seeks to continue to confine Petitioner in a psychiatric facility

and to administer psychoactive medications against her/his will, thereby depriving her/him of a substantial liberty interest, as a result of its allegations as to her/his mental status and need for psychiatric care, treatment and hospitalization. *See, Ake v. Oklahoma*, 470 U.S. 68 (1985).

4. Allowance of the within Motion for Funds is also required pursuant to G.L. c.261, §27C in that the services of a clinician are necessary to assure that Petitioner is able to prosecute this action in as effective a manner as would be available to a person of means. *Commonwealth v. Lockley*, 381 Mass. 156 (1980). In respect thereto, Petitioner asserts that it cannot reasonably be argued that a person of means, facing the possibility of continued involuntary confinement at a psychiatric facility and treatment with psychoactive medications, would ever knowingly choose not to expend her/his funds to secure the assistance of an independent clinical expert. *See, e.g., Guardianship of a Mentally Ill Person*, Mass.App.Ct. No. 85-0018 Civ. (Dreben, J. 1/28/85).

By her/his Attorney:

(date)