**SAMPLE CLOSING LETTER - COMMITMENT AND 8B**

Dear [client]

I am writing to inform you of the outcome of your commitment and medication hearings. At the hearing held on \_\_\_\_\_\_\_\_the judge committed you to \_\_\_\_\_\_ Hospital for a period of ***up to*** six months. The judge was convinced beyond a reasonable doubt that: 1) you have a mental illness; 2) you require hospitalization for that mental illness; and 3) if you are not hospitalized, it is likely you would harm yourself or others.

At the hearing held on \_\_\_\_\_\_\_\_\_\_\_, the judge also determined that you are currently not legally competent to make decisions about treatment with anti-psychotic medications. The judge also ruled that if you *were* competent, you would agree to take anti-psychotic medication. Now that there is a court order in place, this means that while you are at \_\_\_\_\_Hospital, you can be forced to take your prescribed medication if you refuse to take them voluntarily.

Now that the hearing is over, it is my duty to inform you of your post-hearing rights. They are as follows:

**Error of law**: if you believe that the court made an error of law at your hearing, you can appeal to the Appellate Division of the District Court under G.L. c. 123, § 9(a). The Notice of Appeal must be filed **within 10 days** of the date on which the commitment order was entered. If you win the appeal, the court will vacate your commitment order. Generally speaking, however, many months go by before the Appellate Division hears argument on the appeal. It is also very likely that the court will not decide the appeal until after you are discharged from the Hospital. However, if you would like me to file a Notice of Appeal to preserve your right to an appeal, I will do that for you. CPCS will then appoint appellate counsel to represent you.

**Earlier release**: if you want to seek an earlier release, you also have the right to file an application for discharge with the Superior Court under G.L. c. 123, § 9(b). An application for discharge to the Superior Court is often a better method to challenge the actual commitment than an appeal to the Appellate Division. This is because it is asking a court to order your immediate discharge based on a significant change in circumstances following the commitment order. I recommend waiting at least a short period of time before filing a 9(b) application. This helps show that there has been a “change in circumstances” that would support your release. If you want to file an application for discharge, you should call CPCS at 617-988-8341.

**Treatment plan review**: if you have serious side effects or other reasons to believe that the judge would change his or her decision regarding your treatment plan, these issues can sometimes be brought back for review in the District Court.

Now that your commitment case is over, I am no longer representing you and will close out your file. However, if you have any questions about this letter, or want to exercise any of the appellate rights outlined above, you should feel free to contact me at \_\_\_\_\_. You may also contact CPCS directly at any time during your hospitalization at 617-988-8341.

Sincerely,

Your attorney