

# Massachusetts State Report Card

**Last Updated: January 1, 2024**

**Method and scoring:** State involuntary civil commitment laws are evaluated using a 100-point grading scale. The scoring criteria are in accordance with the Treatment Advocacy Center’s values and policy preferences. Up to 50 points are awarded to a state based on the quality of its inpatient commitment law, and up to 50 points are awarded based on the state’s assisted outpatient treatment (AOT) law. Final letter grades are computed using the following scale:

97 or above	A+	87–89	B+	77–79	C+	67–69	D+	59 or below	F
93–96	A	83–86	B	73–76	C	63–66	D		
90–92	A-	80–82	B-	70–72	C-	60–62	D-		

## PART ONE: Inpatient Commitment Statute (up to 50 points)

Criterion	Citation	Specifications	Points
1. Citizen access to court, emergency evaluation (5 pts)	Mass. Gen. Laws Ann. ch. 123, § 12(e)	<input checked="" type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input checked="" type="checkbox"/> Authorizes any responsible adult (2 pts)	5
2. Quality of emergency petition process (5 pts)	Mass. Gen. Laws Ann. ch. 123, § 12	<input checked="" type="checkbox"/> Process specified and reasonable (2 pts) <input checked="" type="checkbox"/> Timelines specified and reasonable (2 pts) <input checked="" type="checkbox"/> Responsible entities identified (1 pt) <input type="checkbox"/> Requires certification by more than one professional (-2 pts) <input type="checkbox"/> Emergency evaluation criteria inconsistent with inpatient commitment criteria (-5 pts)	5
3. Emergency hold duration (5 pts)	Mass. Gen. Laws Ann. ch. 123, § 12(a)	<input checked="" type="checkbox"/> At least 48-hour hold allowed (3 pts) <input checked="" type="checkbox"/> At least 72-hour hold allowed (2 pts) <b>Three-day period</b>	5
4. Citizen access to court, inpatient petition (5 pts)	Mass. Gen. Laws Ann. ch. 123, § 7(a)	<input type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input type="checkbox"/> Authorizes any responsible adult (2 pts) <b>Only the superintendent of a facility may petition</b>	0
5. Quality of criteria for harm or violence to self or others (up to 10 pts)	Mass. Gen. Laws Ann. ch. 123, § 1	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <input type="checkbox"/> Harm must be imminent (-3 pts)	10
6. Quality of criteria for grave disability/basic needs (up to 10 pts)	Mass. Gen. Laws Ann. ch. 123, § 1	<input checked="" type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts) <input type="checkbox"/> Endangerment must be imminent (-3 pts) <input type="checkbox"/> Criteria require family to turn person out of home to receive treatment (-3 pts) <input checked="" type="checkbox"/> Unreasonably high risk of harm (-3 pts) <b>(See comment below)</b>	7
7. Quality of criteria for psychiatric deterioration (up to 10 pts)		<input type="checkbox"/> Contains explicit criteria (10 pts) <input type="checkbox"/> Language is vague/ambiguous (-3 pts)	0
<b>SUBTOTAL</b>			<b>32</b>

## PART ONE: Extra Credit

1. Specifies in which court a petition for inpatient commitment shall be filed (1 pt)	Mass. Gen. Laws Ann. ch. 123, § 7	<b>District court</b>	1
Extra Credit			1
<b>PART ONE TOTAL</b>			<b>33</b>

## PART TWO: Outpatient Commitment Statute (up to 50 points)

Criterion	Citation	Specifications	Points
1. AOT explicitly authorized (5 pts)		<input type="checkbox"/> Requires local government to adopt (-3 pts)	0

2. Citizen access to court for AOT (5 pts)		<input type="checkbox"/> Authorizes family/enumerated adults (3 pts) <input type="checkbox"/> Authorizes any responsible adult (2 pts) <input type="checkbox"/> Authorizes citizen petition to mental health system only (-2 pts)	0
3. Criteria sufficiently broad to provide actual access (up to 10 pts)		<b>Evaluate applicable provision only:</b> <input type="checkbox"/> If inpatient/outpatient criteria are the same: <input type="checkbox"/> Inpatient criteria include psychiatric deterioration standard (10 pts) <u>or</u> <input type="checkbox"/> No psychiatric deterioration standard, adequate grave disability standard (5 pts) <b>or</b> <input type="checkbox"/> If outpatient criteria are distinct from inpatient criteria: <input type="checkbox"/> Allows consideration of length of treatment history $\geq 36$ months (2 pts) <input type="checkbox"/> Does not exclude periods of incarceration or hospitalization (-1 pt) <input type="checkbox"/> Does not limit application to those currently dangerous or unstable (4 pts) <input type="checkbox"/> Does not limit application to those refusing service or lacking insight (4 pts)	0
4. Authorizes AOT directly from community (5 pts)			0
5. Procedures sufficiently detailed to guide practitioners (up to 5 pts)		<input type="checkbox"/> Process specified and reasonable (1 pt) <input type="checkbox"/> Timelines specified and reasonable (1 pt) <input type="checkbox"/> Responsible entities identified (1 pt) <input type="checkbox"/> Periodic reporting to court required (1 pt) <input type="checkbox"/> Renewal process expressly specified (1 pt)	0
6. Procedures require the treatment plan to be shared with the court (5 pts)			0
7. Specifies procedures for nonadherence (5 pts)			0
8. Duration of initial order		<input type="checkbox"/> = 90 days (2 pts) <u>or</u> <input type="checkbox"/> > 90 days (5 pts)	0
9. Duration of continued order		<input type="checkbox"/> = 180 days (2 pts) <u>or</u> <input type="checkbox"/> > 180 days (5 pts)	0
<b>SUBTOTAL</b>			0
<b>PART TWO: Extra Credit</b>			
1. Specifies court for AOT (1 pt)			
2. Court monitoring of voluntary settlement agreements (5 pts)			
Extra Credit			0
<b>PART TWO TOTAL</b>			0
<b>FINAL SCORE</b>			
PART ONE TOTAL			33
PART TWO TOTAL			0
<b>TOTAL</b>			33
<b>GRADE</b>			<b>F</b>

**Comment:**

- Requires “very substantial risk of physical impairment or injury” (emphasis added) while other criteria only require a “substantial risk of physical harm.”