

# Involuntary Commitment for Drug and Alcohol Treatment Services



for Persons Under 18 Years of Age

## Instructions for Involuntary Commitment of Minors for Drug and Alcohol Treatment

### What to expect

The child is ordered to have a drug and alcohol assessment prior to the Act 53 hearing, which is scheduled to be heard within approximately three weeks. At the Act 53 hearing the judge will render a decision for treatment based on the evidence presented to the court. The court will then monitor the child's progress and schedule a review hearing 45 days after the initial hearing.

The parent/legal guardian of the minor must be a resident of Allegheny County and the child must be between ages 12-18. A youth care manager will screen the case for its appropriateness and then guide the parties through the Act 53 process.

The law states that the court accepts no financial liability or custody of the child and that the parent/legal guardian is financially responsible for finding funding for the child's treatment, whether public or private.

For more information regarding the Act 53 law, policies or procedures contact the Allegheny County Office of Behavioral Health Bureau of Drug and Alcohol Services at 412-350-3952 or 412-350-3328.

## Instructions for Persons Filing a Petition (with or without an attorney) For Involuntary Drug and/or Alcohol Treatment Services Family Division - Juvenile Section

- Parent/guardian inquiries should be directed to Allegheny County Department of Human Services, Drug/Alcohol Unit SCA case managers 412-350-3952.
- The ACT 53 case managers will be available to communicate with parents/guardians to review the case for appropriateness of an ACT 53 Petition or other possible voluntary treatment options.
- The parent or legal guardian with legal or physical custody of the minor (or their attorney) may complete the petition.
- If you believe you may qualify for financial assistance, complete the "Petition for

Leave to Proceed In Forma Pauperis” and the “In Forma Pauperis Verified Statement”, and take these with you to Court. A determination will be made as to your financial liability in this matter.

- The petitioner then takes the completed forms to Allegheny County Juvenile Court to meet with the Act 53 Coordinator at the date and time assigned.
- After meeting with the ACT 53 coordinator, petitioner will wait for motion to be heard in front of Juvenile Court judge. Petitioner and ACT 53 coordinator will present the petition to the judge for consideration.
- During the hearing of the motion the Court will: Determine whether the minor child will be ordered to undergo an assessment; appoint legal counsel for the child; and establish a date for the minor child to be present to answer the allegation. The Court will also determine the legal guardian’s liability as to court costs and counsel fees.
- Based on the decision of the Court regarding financial liability: If the minor is a recipient of Medical Assistance or is uninsured, parents/guardians will ensure that the assessment provider contact the SCA case manager to determine funding eligibility and placement decision. Under all funding streams, people will be eligible for case management services during the recommended treatment process.
- Petitioners must appear at any subsequent Court proceedings.

## **ACT 53 Background Information**

Act 53 is a groundbreaking law in the state of Pennsylvania. Before the enactment of Act 53 in 1998, there was no method for parents to convince teenagers to receive help for drug and alcohol problems, unless the teens were willing to attend treatment. Only teenagers who had been declared either delinquent or dependent through Juvenile Court could be ordered to receive drug and alcohol treatment against their will. In 1997 Pennsylvania legislators realized a “gap” in our court system regarding the drug and alcohol treatment for addicted teenagers who have not been declared either delinquent or dependent through Juvenile Court.

Act 53 has bridged this gap in our systems and provides treatment services to many teenagers who would have previously fallen through the proverbial crack. Act 53 of 1997 addresses the involuntary commitment of minors into drug and alcohol treatment against their will and offers parents an alternative to delinquency or dependency for their teenagers.

Each county was assigned the task of setting up its own policy and procedures to implement Act 53. Allegheny County established a very successful Act 53 procedure due to an excellent collaboration between Allegheny County Juvenile Court and Allegheny County Office of Behavioral Health Bureau of Drug and Alcohol Services.

If a parent/legal guardian feels that their child has a drug or alcohol problem, and the child is unwilling to participate in a treatment program, the parent/legal guardian is to contact the Allegheny County Office of Behavioral Health Bureau of Drug and Alcohol Services.

The parent/legal guardian must be a resident of Allegheny County and the child must be between the ages 12 - 18.

A youth care manager will screen the case for its appropriateness and then guide the parent/legal guardian through the Act 53 process. The Act 53 process takes anywhere from two weeks to four weeks to complete.

The parents/legal guardians will be responsible for attending two court hearings. The first one will be to petition the judge to hear their case and the second court hearing will be the presentation of the parents' case and the placement decision for the minor. The child will be assigned legal representation by the court. The parents/legal guardians are permitted to have legal representation, but the law does not require it.

Before the second hearing, a drug and alcohol professional will complete a comprehensive assessment. The assessment, the parents/legal guardian's case, and the child's "side of the story" will all be presented to the court at the second hearing. The judge will hear both sides of the case, and the drug and alcohol assessment and recommendation. He/She will render a decision for treatment or not based on the evidence presented to the court.

If the child is found in need of treatment, a court order will be written and arrangements will be made for the child's treatment to begin as soon as possible. The law states that the parent/legal guardian is financially responsible to find funding for this child's treatment, whether it be public or private funds. The court accepts no financial liability or custody for this child.

The Act 53 procedure is the product of a collaboration between Allegheny County Juvenile Court and the Allegheny County Office of Behavioral Health Bureau of Drug and Alcohol Services.