

ACT 53 of 1997
COMMITMENT OF MINORS
FOR INVOLUNTARY DRUG AND ALCOHOL TREATMENT SERVICES

Overview

Act 53 of 1997, found at 71 P.S. § 1690.112a, et seq., provides that a parent or legal guardian who has legal or physical custody of a minor may petition the court of common pleas for commitment of the minor to involuntary drug and alcohol treatment services, including inpatient services, if the minor is incapable of accepting or unwilling to accept voluntary treatment.

Initial Inquires

If a parent/legal guardian believes that their minor child has a drug or alcohol problem, and the minor is unwilling to participate in a treatment program, the parent/legal guardian is to contact Westmoreland Drug and Alcohol Commission's subcontracted Drug and Alcohol Case Management Unit, through Southwestern PA Human Services (SPHS) Behavioral at 1-800-220-1810. The minor must be a resident of Westmoreland County and must be under the age of 18. A case manager will screen the case for its appropriateness and then guide the parent/legal guardian through the Act 53 process. Resources for an assessment will be provided if the parent/guardian believe their child will voluntarily participate in treatment. Resources for voluntary treatment will also be provided.

Procedure

1. Parent/Guardian who wishes to petition the Court for commitment of the minor to involuntary drug and alcohol treatment should contact SPHS Drug and Alcohol Case Management Unit at 1-800-220-1810. They are located at 203 S. Maple Ave. Greensburg, PA.
2. The SPHS Case Manager meets with the parent/guardian to assess the case to determine the appropriateness of an Act 53 petition and review of other possible voluntary treatment options.
3. Act 53 form petitions will be located at the Westmoreland County Law Library or on the web site of Court Administration at <https://www.co.westmoreland.pa.us/528/Courts>. In the event that the parent or guardian of the child qualifies, the Westmoreland County Pro Bono Office may assist the parent/guardian in filing the petition with the Prothonotary.

4. The Petitioner shall submit the petition for immediate review to the chambers of the assigned judge based upon alphabetical assignment as follows:

A – Fa Judge Mears

Fb – K Judge Bononi

L – Ri Judge Silvis

Rj – Z Sr. Judge Driscoll

5. Upon review and granting of the petition, the Court will:

- (a) appoint counsel for the minor, which may be at the expense of the parent or guardian,
and

- (b) order the minor to undergo a drug and alcohol assessment performed by a psychiatrist, a licensed psychologist with training in drug and alcohol assessment or a Certified Alcohol and Drug Counselor (CADC). When an assessment is performed by a CADC it shall be reviewed by a Case Management Supervisor of the Single County Authority (SCA).

In the event that the assessment is performed by a psychiatrist or licensed psychologist with training in drug and alcohol assessment, the parent or guardian will be responsible for the cost of the assessment. Public funds *may* be available for assessments performed by a SCA contracted provider. The assessment must include an initial level of care recommendation, in addition to any subsequent continuum of care treatment recommendations, including the approximate length of time for each treatment service.

6. The Judge will schedule a hearing for the petition to be reviewed within 14-21 days.
7. As part of the Act 53 process, a drug and alcohol level of care assessment will be completed within seven (7) days of the initial phone call for service unless scheduled with a private vendor. This assessment will be completed by a Certified Alcohol and Drug Counselor at the following locations:

Gateway Greensburg, 212 Outlet Way, Greensburg, PA 15601 724-853-7300

SPHS Greensburg, 203 South Maple Avenue, Greensburg, PA 15601 724-834-0420

The parent or legal guardian also has the option to have the level of care assessment completed by a Certified Alcohol and Drug Counselor at Outside In, 580 Feightner Road, Greensburg, PA15601 724-837-1518. However, if the assessment is completed by Outside In, it will be up to the parent or legal guardian to fund the assessment as Outside In is not a SCA contracted provider.

Once the assessment is completed by the CADDC, it will be submitted to and reviewed by a Case Management Supervisor through the Westmoreland Drug and Alcohol Commission. Level of care determinations should be based on national recognized criteria such as the American Society of Addiction Medicine Adolescent Patient Placement Criteria.

The level of care recommendation will be submitted to the Court in writing within (7) days of the completed assessment. If arrangements have been made with a private vendor, the parent or legal guardian will ensure the completed assessment will be submitted to the assigned judge prior to the scheduled hearing.

8. Should the minor fail to appear for the scheduled assessment, or prove to be uncooperative during the course of the assessment, the Judge shall be so notified immediately by phone and in writing.
9. At the court hearing, the parents'/legal guardian's case, the minor's "side of the story," and the level of care recommendation will all be presented to the Court. The drug and alcohol assessor or supervisor will be present in Court to testify if needed to the recommended level of care. The judge will render a decision regarding the Act 53 petition.
10. If the minor is found in need of treatment, a court order will be issued and arrangements will be made for the minor's treatment to begin as soon as possible. The law states that the parent/legal guardian is financially responsible to find funding for this minor's treatment, whether it is public or private funds. The Court accepts no financial liability or custody for this minor.
11. Based on the assessment, the Court may order the minor committed to involuntary drug and alcohol treatment, including inpatient services, for up to 45 days if all of the following apply:
 - (a) The Court finds clear and convincing evidence that the minor is a drug-dependent person; and the minor is incapable of accepting or unwilling to accept voluntary treatment services.
 - (b) The Court finds that the minor will benefit from involuntary treatment services.
 - (c) In the event that the Court decision is inconsistent with the level of care and length of treatment recommended by the assessment, the Court will set forth, in its order, a statement of facts and reasons for its disposition.
12. A minor ordered to undergo such Court-ordered involuntary treatment will be referred to the SPHS Behavioral Health D&A Case Management Unit. The Case Management Unit will also assist the parent/legal guardian in arranging for the treatment Ordered by the Court.

13. The Court will schedule a 45-day review hearing at the time of issuance of the Order committing the minor to involuntary drug and alcohol treatment services. In the event an appropriate program is not readily available the SPHS Behavioral Health Case Management Unit shall so notify the Court.
14. A minor ordered to undergo involuntary treatment will remain in the recommended treatment services for a period of 45 days unless sooner discharged.
15. If the Court determines that further treatment is needed, the Court will order the minor to be recommitted to services for an additional period of treatment not to exceed 45 days unless sooner discharged and will schedule another 45-day review hearing.
16. The Court may continue the minor in treatment for successive 45-day periods pursuant to determinations that the minor will benefit from services for an additional 45 days.
17. Unless the Court finds that the parent or legal guardian is without financial resources, the parent or legal guardian will be obligated for all of the following:
 - (a) Court costs
 - (b) Counsel fees for the minor
 - (c) The costs of assessment and treatment services
18. The Act provides that nothing therein shall relieve, restrict or expand the obligations of any insurer, health maintenance organization, third-party administrators, hospital plan corporation or health services plan corporation doing business in the Commonwealth with respect to the coverage of drug and alcohol benefits.