

4.7 Negotiating a Voluntary Admission When Substance Abuse Commitment Recommended

After discussing the strength (or weakness) of the case for involuntary substance commitment with the client, along with the collateral consequences of substance abuse commitment, counsel should explore the client's willingness to agree to accept treatment voluntarily. A voluntary admission will allow the client to avoid the possibility of being committed and perhaps to have more control over the treatment. These factors are less important if the client has prior substance abuse commitments and has already lost driving privileges.

Counsel should contact the attorney representing the state or the petitioner, if any, if necessary to obtain permission to talk directly with the attending physician or other treatment provider. Discussion points include the client's willingness to follow through with substance abuse treatment, progress the client has made pending the hearing, the statutory preference for voluntary treatment, and the availability of outside support for the client. It might also be persuasive to inform the attending physician of the likely loss of the client's driving privileges, and the effect of that on the client's job and home life, as well as the ability to get to outpatient treatment.