VETERANS
LEGAL SERVICES

Oct. 29, 2020

Homelessness, in and of itself, cannot be the basis for involuntary civil commitment to a mental health facility.

The Massachusetts Supreme Judicial Court issued the clarification in a ruling released on Wednesday, Oct. 28. In affirming the overall judgment of the New Bedford District Court (In the Matter of J.P., 2019 Mass. App. Div. 37), the Supreme Judicial Court addressed a portion of the district court's ruling that suggested homelessness posed a substantial risk of harm—to both the person and others—and could potentially be the basis for an involuntary civil commitment. In an amicus letter filed with the Supreme Judicial Court, Veterans League Services Chief Counsel Anna S. Richardson argued that the lower court's opinion raised several concerns for the veteran community VLS serves.

"There is no dispute that homelessness comes with certain attendant risks, but those risks are a product of our community's broader failure to meet the basic needs of its citizens, particularly for safe and affordable housing and adequate supportive services," Richardson wrote. "The Lower Court ruling, however well intentioned, effectively conflates homelessness 'in and of itself' with an inability to exercise good judgment or care for oneself, something VLS has plainly seen is not true."

The Supreme Judicial Court agreed. Writing for the court, Associate Justice Kimberly Budd—who was nominated Wednesday by Gov. Charlie Baker to be the next chief justice—noted that the district court's assessment was overly broad and generally inaccurate.

"It is true that homelessness can mean a lack of safety and stability, but that does not mean that homelessness, in and of itself, is sufficient to support a finding of a very substantial risk of harm to the person himself or herself," Budd wrote for the court. "If it is to be used at all as part of the involuntary civil commitment analysis, it must be done with extreme caution."

For more information, contact Jeff Lemberg,
director of communications and development
jeff@veteranslegalservices.org
857-317-4474