



INTERVENTION AND INVOLUNTARY COMMITMENT

What is an involuntary Rehab Commitment or Section 33?

An involuntary rehab commitment, is often known as Section 33 which is a South African statute that allows a qualified person to seek a court order compelling someone to be committed and treated involuntarily for alcohol or substance (drug) abuse. Section 33 exists because someone may need to be involuntarily committed if they pose a serious risk to themselves or others and require urgent help. The likelihood of serious harm must be directly related to substance use and must be a current or imminent threat.

Who Can Have Someone Involuntarily Committed?

Any person can request an Involuntary Commitment. If you think that a friend or a family member needs to be placed into involuntary commitment in a treatment facility, you can request it. However, only a qualified practitioner can ask the court (Section 33) to commit someone to treatment. If you are a family member, you can ask the court-appointed practitioner for an application. But be aware that this process can take a long time, and sometimes there is a sense of urgency to get the person help quickly to prevent further harm.

Who can assist you with a Section 33

A qualified practitioner, like a police officer, social worker, spouse, relative, guardian, or court official, can request the court to commit someone to treatment under section 33. In most cases, families can hire a private social worker to make the process faster and smoother.

Documents needed:

Getting everything together may seem like a lot of work, but it's actually pretty simple if you have the right paperwork. Here's what you'll need:

- Two statements from people saying that the person with addiction is a danger to themselves and others,
- A report from a social worker about what's going on,
- Also, If the person in question is seeing a psychiatrist or psychologist on a regular basis, their psychologist or psychiatrist can assist and even help to appoint a social worker if needed to assist with a section 33 court order.

It's really important to act quickly when getting a court order. The longer someone goes without treatment, the worse things can get.

How Does the Process Work?

The qualified practitioner, usually a social worker appointed by the family, will submit an affidavit and a psychosocial report for an order of involuntary commitment. The social worker will base their report on the family's affidavit and interviews with family members since they can't interview the person directly. The appointed practitioner then submits these documents to the local court for review.

If necessary, the court will issue a summons or warrant of arrest to bring the unwilling person to court. The warrant is issued when there are reasonable grounds to believe the person won't appear voluntarily and that further delay would put them in immediate danger. Once in court, the person has the right to be represented by an attorney. If they can't afford one, the court will appoint an attorney for them.

The difficult part of the process is that you and or the family will need to testify against your loved one, which can be tough and traumatic. The court will order an examination by a social worker, but the person has the right to refuse it. The person's attorney can present independent expert testimony or other testimony from family, friends, employers, and others concerned.

After the testimony and argument, the judge will decide if there is clear and convincing evidence that the person has an alcohol or substance use disorder and if there is a likelihood of serious harm to themselves or others because of it. If both criteria are met, the person will be committed involuntarily.