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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 6. ADMISSIONS AND JUDICIAL COMMITMENTS [6000 - 6825] (*Division 6 repealed and added by Stats. 1967, Ch. 1667.*)

PART 2. JUDICIAL COMMITMENTS [6250 - 6825] (*Part 2 added by Stats. 1967, Ch. 1667.*)

CHAPTER 1. Definitions, Construction and Standard Forms [6250 - 6254] (*Chapter 1 added by Stats. 1967, Ch. 1667.*)

6250. (a) As used in this part, "a person subject to judicial commitment" means a person who may be judicially committed under this part as a mentally disordered sex offender pursuant to Article 1 (commencing with Section 6331), a sexually violent predator pursuant to Article 4 (commencing with Section 6600), or a person with intellectual disabilities pursuant to Article 2 (commencing with Section 6500) of Chapter 2.

(b) Nothing in this part shall be held to change or interfere with the provisions of the Penal Code and other laws relating to persons with mental health disorders who are charged with a crime or to persons who are found to be not guilty by reason of insanity.

(c) This part shall be liberally construed so that, as far as possible and consistent with the rights of persons subject to commitment, those persons shall be treated, not as criminals, but as sick persons.

(Amended by Stats. 2014, Ch. 144, Sec. 109. (AB 1847) Effective January 1, 2015.)

6251. Wherever, on the basis of a petition, provision is made in this code for issuing and delivering an order for examination and detention directing that a person be apprehended and taken before a judge of a superior court for a hearing and examination on an allegation of being a person subject to judicial commitment, the petition shall be in substantially the following form:

In the Superior Court of the State of California		
For the County of _____		
The People	}	
For the Best Interest and Protection of		
as a		
and Concerning	}	Petition
and		
_____ Respondents	}	
_____, residing at _____ (tel. _____), being duly sworn deposes and says: That there is now in the county in the City or Town of _____		
a person named _____, who resides at _____, and who is believed to be a _____. That the person is _____ years of age; that _____ the person is _____ (sex) and that _____ the person is _____ (single, married, widowed, or divorced); and that _____ occupation is _____.		
That the facts because of which petitioner believes that the person is a _____ are as follows: That _____ the person, at _____ in the county, on the _____ day of _____, 20____,		
That petitioner's interest in and case is		
That petitioner believes that said person is _____ as defined in Section _____.		

That the persons responsible for the care, support, and maintenance of the _____, and their relationship to the person are, so far as known to the petitioner, as follows:

(Give names, addresses, and relationship of persons named as respondents)

Wherefore, petitioner prays that examination be made to determine the state of the mental health of _____, alleged to be _____, and that such measures be taken for the best interest and protection of said _____, in respect to the person's supervision, care and treatment, as may be necessary and provided by law.

_____ Petitioner

Subscribed and sworn to before me this _____ day of _____, 20__.

_____, Clerk of the Court

By _____ Deputy

(Amended by Stats. 2002, Ch. 784, Sec. 619. Effective January 1, 2003.)

6252. Wherever provision is made in this code for a judge of a superior court to issue and deliver an order for examination or detention directing that a person be apprehended and taken before a judge of a superior court for a hearing and examination on an allegation of being a person subject to judicial commitment, the order for examination or detention shall be in substantially the following form:

The People For the Best Interest and Protection of	}	Order for Examination or Detention
as a		
and Concerning and	}	
_____ Respondents	}	
The People of the State of California _____ (peace officer) _____		
<p>The petition for _____ having been presented this day to me, a Judge of the Superior Court in and for the County of _____, State of California, from which it appears that there is now in this county, at _____, a person by the name of _____, who is a _____.</p> <p>And it satisfactorily appears to me that said person is sufficiently _____ that examination should be made and hearing held, if demanded, to determine the supervision, treatment, care or restraint, if any, necessary for his best interest and protection, and the protection of the people.</p> <p>I do hereby appoint _____ and _____ as medical examiners to make a personal examination of _____, the person alleged to be _____, and to report thereon to the court, pursuant to Section _____ of the Welfare and Institutions Code.</p> <p>* Now, therefore, you are commanded to notify said _____, to submit an examination _____ on or before the _____ day of _____, that thereafter he may be taken before a judge of the superior court in this county for examination and hearing to determine the measures to be taken for the best interest and protection of said _____, as a _____, as provided by law.</p> <p>* And it affirmatively appearing to me that said person is sufficiently _____ that he is likely to injure himself or others if not immediately hospitalized or detained, you are therefore commanded to forthwith detain said _____, or cause him to be detained for examination and hearing, pending the further order of the judge, at _____, and there be cared for in a humane manner as a _____ and provided with any medical treatment deemed necessary to his physical well-being.</p> <p>* And it satisfactorily appearing to me that said person has failed or has refused to appear for examination when notified by order of this court, you are therefore commanded to forthwith detain said _____ or cause him to be detained for examination and hearing, pending the further order of the judge, at _____, and there be cared for in a humane manner as a _____.</p> <p>I hereby direct that a copy of this order, together with a copy of the said petition be delivered to said person and his representative, if any, at the time of his notification; and I further direct that this order may be served at any hour of the night.</p>		
Witness my hand, this _____ day of _____, 19__.		
_____, Judge of the Superior Court		

* Strike out when not applicable.

Return of Order

I hereby certify that I received the above order for examination or detention, and on the _____ day of _____, 19____, served it by notifying and delivering to said _____ personally, and to his representatives, if any, to wit, _____, a copy of the order and of the petition, *or by apprehending said person and causing h__ to be detained for examination and hearing and for humane care as an alleged _____ at _____; until further ordered and directed by the judge.

* I hereby certify that prior to the service of the above order for detention and the apprehension of _____ I served notice on the person and his representative, if any, as required under Article 2 (commencing with Section 5200) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code.

Dated _____, 19____.

_____. Signature of officer

* Strike out when not applicable.

(Amended by Stats. 1968, Ch. 1374.)

6253. Wherever provision is made in this code for court-appointed medical examiners to make and sign a certificate showing the facts of an examination in the case of a person alleged to be subject to judicial commitment, the certificate shall be in substantially the following form:

In the Superior Court of the State of California
for the County of _____

In the Superior Court of the State of California
for the County of _____

The People

For the Best Interest and Protection of

,

as a and

Concerning ,

and ,

_____ Respondents

}
|
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Certificate
of Medical
Examiners

We, Dr. _____ and Dr. _____, medical examiners in the County of _____, duly appointed and certified as such, do hereby certify under our hands that we have examined _____, alleged to be a _____, and have attended before a judge of said court at the hearing on the petition concerning said person, and have heard the testimony of all witnesses, and, as a result of the examination, have testified under oath before the court to the following facts concerning the alleged _____:

Name

Address

Age Sex

Occupation Marital status

(Single, married, widowed, divorced)

Religious belief

Pertinent case history

General physical condition

Present mental status
Laboratory reports (if any)
Tentative diagnosis of mental health
Recommendation for disposition or supervision, treatment and care
Reason for the recommendation
Date _____
_____ Medical Examiner
_____ Medical Examiner

(Repealed and added by Stats. 1967, Ch. 1667.)

6254. Wherever provision is made in this code for an order of commitment by a superior court, the order of commitment shall be in substantially the following form:

In the Superior Court of the State of California		
For the County of _____		
The People	}	Order for Care, Hospitalization, or Commitment
For the Best Interest and Protection of		
as a ,		
and Concerning	}	
and		
, Respondents		
	}	
<p>The petition dated _____, alleging that _____, having been presented to this court on the _____ day of _____, 20__, and an order of detention issued thereon by a judge of the superior court of this county, and a return of the said order:</p> <p>And it further appearing that the provisions of Sections 6250 to 6254, inclusive, of the Welfare and Institutions Code have been complied with;</p> <p>And it further appearing that Dr. _____ and Dr. _____, two regularly appointed and qualified medical examiners of this county, have made a personal examination of the alleged _____, and have made and signed the certificate of the medical examiners, which certificate is attached hereto and made a part hereof;</p> <p>Now therefore, after examination and certificate made as aforesaid, the court is satisfied and believes that _____ is a _____ and is so _____.</p> <p>It is ordered, adjudged, and decreed:</p> <p>That _____ is a _____ and that _he</p> <p>* (a) Be cared for and detained in _____, a county psychiatric hospital, a community mental health service, or a licensed hospital for the care of persons with mental health disorders until the further order of the court, or</p> <p>* (b) Be cared for at _____, until the further order of the court, or</p> <p>* (c) Be committed to the State Department of State Hospitals for placement in a state hospital, or</p> <p>* (d) Be committed to a facility of the Department of Veterans Affairs or other agency of the United States, to wit: _____ at _____.</p> <p>It is further ordered and directed that _____ of this county, take, convey, and deliver _____ to the proper authorities of the hospital or establishment designated herein to be cared for as provided by law.</p>		
Dated this _____ day of _____, 20__.		
_____ Judge of the Superior Court		
* Strike out when not applicable.		

