



[Up^](#) [Add To My Favorites](#)

**WELFARE AND INSTITUTIONS CODE - WIC**

**DIVISION 5. COMMUNITY MENTAL HEALTH SERVICES [5000 - 5987]** ( *Division 5 repealed and added by Stats. 1967, Ch. 1667.* )

**PART 1. THE LANTERMAN-PETRIS-SHORT ACT [5000 - 5550]** ( *Heading of Part 1 amended by Stats. 1968, Ch. 1374.* )

**CHAPTER 2. Involuntary Treatment [5150 - 5349.1]** ( *Chapter 2 added by Stats. 1967, Ch. 1667.* )

**ARTICLE 3. Court-Ordered Evaluation for Persons Impaired by Chronic Alcoholism or Drug Use [5225 - 5230]** ( *Heading of Article 3 amended by Stats. 2024, Ch. 847, Sec. 91.* )

**5225.** Whenever a criminal defendant who appears, as a result of chronic alcoholism or the use of narcotics or restricted dangerous drugs, to be a danger to others, to himself, or to be gravely disabled, is brought before any judge, the judge may order the defendant's evaluation under conditions set forth in this article, provided evaluation services designated in the county plan pursuant to Section 5654 are available.

(Amended by Stats. 1979, Ch. 373.)

**5226.** Such a criminal defendant must be advised of his right to immediately continue with the criminal proceeding, and it is the duty of the judge to apprise the defendant fully of his option and of the consequences which will occur if the defendant chooses the evaluation procedures. The defendant shall have a right to legal counsel at the proceedings at which the choice is made.

(Added by Stats. 1967, Ch. 1667.)

**5226.1.** If a judge issues an order for evaluation under conditions set forth in this article, proceedings on the criminal charge then pending in the court from which the order for evaluation issued shall be dismissed or suspended until such time as the evaluation of the defendant and the subsequent detention of the defendant for involuntary treatment, if any, are completed. Upon completion of such evaluation and detention, if any, the defendant shall, if such criminal charge has not been dismissed, be returned by the sheriff of the county in which the order of evaluation was made, from the evaluation or intensive treatment facility to the custody of the sheriff who shall return the defendant to the court where the order for evaluation was made, and proceedings on the criminal charge shall be resumed or dismissed. If, during evaluation or detention for involuntary treatment, the defendant is recommended for conservatorship, and if the criminal charge has not previously been dismissed, the defendant shall be returned by the sheriff to the court in which such charge is pending for the disposition of the criminal charge prior to the initiation of the conservatorship proceedings. The judge of such court may order such defendant to be detained in the evaluation or treatment facility until the day set for the resumption of the proceedings on the criminal charge.

(Amended by Stats. 1969, Ch. 722.)

**5227.** The order for evaluation shall be in substantially the following form:

In the Superior Court of the State of California for the County of _____	
The People of the State of California Concerning and _____ Respondents _____	No. _____ Order for Evaluation
The People of the State of California to	

:

(Professional person in charge of the facility providing evaluation)

\_\_\_\_\_ has appeared before me and appears to be, as a result of \_\_\_\_\_ (chronic alcoholism, the use of narcotics, or the use of restricted dangerous drugs), a danger to himself, or others, or gravely disabled.

Now, therefore, you are directed to evaluate \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_, 19\_\_, at \_\_\_\_ o'clock \_\_m.

Witness my hand, this \_\_\_\_ day of \_\_\_\_, 19\_\_.

\_\_\_\_ Judge of the \_\_\_\_\_ Court \_\_\_\_\_

Return of Order

I hereby certify that I received the above order for the evaluation of \_\_\_\_\_ and on the \_\_\_\_ day of \_\_\_\_, 19\_\_, personally served a copy of the order and of the petition on the professional person in charge of the \_\_\_\_\_, a facility for treatment and evaluation, or his designee.

Dated: \_\_\_\_ 19\_\_.

\_\_\_\_ Signature and Title \_\_\_\_\_

*(Amended by Stats. 1970, Ch. 1129.)*

**5228.** As promptly as possible, a copy of the order for evaluation shall be personally served on the person to be evaluated and the professional person in charge of the facility for treatment and evaluation named in the order, or his designee.

*(Added by Stats. 1967, Ch. 1667.)*

**5229.** At the time a person is ordered to undergo evaluation, or within a reasonable time thereafter, unless a responsible relative or the guardian or conservator of the person is in possession of the person's personal property, the person shall take reasonable precautions to preserve and safeguard the personal property in the possession of or on the premises occupied by the person. The person responsible for taking him to the evaluation facility shall then furnish to the court a report generally describing the person's property so preserved and safeguarded and its disposition, in substantially the form set forth in Section 5211; except that if a responsible relative or the guardian or conservator of the person is in possession of the person's property, the report shall include only the name of the relative or guardian or conservator and the location of the property, whereupon responsibility of the person responsible for taking him to the evaluation facility for such property shall terminate.

As used in this section, "responsible relative" includes the spouse, parent, adult child, or adult brother or sister of the person.

*(Added by Stats. 1967, Ch. 1667.)*

**5230.** If, upon evaluation, the person is found to be in need of treatment because he is, as a result of impairment by chronic alcoholism or the use of narcotics or restricted dangerous drugs, a danger to others, or to himself, or is gravely disabled, he may be detained for treatment in a facility for 72-hour treatment and evaluation. Except as provided in this section, he shall in no event be detained longer than 72 hours from the time of evaluation or detention for evaluation, excluding Saturdays, Sundays and holidays if treatment services are not available on those days.

Persons who have been detained for evaluation and treatment shall be released if the criminal charge has been dismissed; released to the custody of the sheriff or continue to be detained pursuant to court order under Section 5226.1; referred for further care and treatment on a voluntary basis, subject to the disposition of the criminal action; certified for intensive treatment; or recommended for conservatorship pursuant to this part, subject to the disposition of the criminal charge; as required.

*(Amended by Stats. 1970, Ch. 1129.)*