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**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 COMMUNITY MENTAL HEALTH SERVICES [5000 - 5987]** (*Division 5 repealed and added by Stats. 1967, Ch. 1667.*)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 4.7. Additional Intensive Treatment [5270.10 - 5270.70]** (*Article 4.7 added by Stats. 1988, Ch. 1517, Sec. 10.*)

**5270.10.** It is the intent of the Legislature to reduce the number of gravely disabled persons for whom conservatorship petitions are filed and who are placed under the extensive powers and authority of a temporary conservator simply to obtain an additional period of treatment without the belief that a conservator is actually needed and without the intention of proceeding to trial on the conservatorship petition. This change will substantially reduce the number of conservatorship petitions filed and temporary conservatorships granted under this part which do not result in either a trial or a conservatorship.

(*Added by Stats. 1988, Ch. 1517, Sec. 10.*)

**5270.12.** This article shall be operative only in those counties in which the county board of supervisors, by resolution, authorizes its application and, by resolution, makes a finding that any additional costs incurred by the county in the implementation of this article are funded either by new funding sufficient to cover the costs incurred by the county resulting from this article, or funds redirected from cost savings resulting from this article, or a combination thereof, so that no current service reductions will occur as a result of the enactment of this article. Compliance with this section shall be monitored by the State Department of Health Care Services as part of its review and approval of mental health plans and performance contracts.

(*Amended by Stats. 2012, Ch. 34, Sec. 84. (SB 1009) Effective June 27, 2012.*)

**5270.15.** (a) Upon the completion of a 14-day period of intensive treatment pursuant to Section 5250, the person may be certified for an additional period of not more than 30 days of intensive treatment under both of the following conditions:

(1) The professional staff of the agency or facility treating the person has found that the person remains gravely disabled as a result of a mental disorder or impairment by chronic alcoholism.

(2) The person remains unwilling or unable to accept treatment voluntarily.

(b) A person certified for an additional 30 days pursuant to this article shall be provided a certification review hearing in accordance with Section 5256 unless a judicial review is requested pursuant to Article 5 (commencing with Section 5275).

(1) Reasonable attempts shall be made by the mental health facility to notify family members or any other person designated by the patient at least 36 hours before the certification review hearing, of the time and place of the certification hearing, unless the patient requests that this information not be provided. The patient shall be advised by the facility that is treating the patient that he or she has the right to request that this information not be provided.

(2) The professional staff of the agency or facility providing intensive treatment shall analyze the person's condition at intervals not to exceed 10 days, to determine whether the person continues to meet the criteria established for certification under this section, and shall daily monitor the person's treatment plan and progress. Termination of this certification before the 30th day shall be made pursuant to Section 5270.35.

(*Amended by Stats. 2018, Ch. 92, Sec. 225. (SB 1289) Effective January 1, 2019.*)

**5270.20.** (a) For a person to be certified under this article, a second notice of certification shall be signed by the professional person in charge of the facility providing intensive treatment to the person and by either a physician who shall, if possible, be a board-

qualified psychiatrist, or a licensed psychologist who has a doctoral degree in psychology and at least five years of postgraduate experience in the diagnosis and treatment of emotional and mental disorders. The physician or psychologist who signs shall have participated in the evaluation and finding referred to in subdivision (a) of Section 5270.15.

(b) If the professional person in charge is the physician who performed the medical evaluation and finding, or a psychologist, the second person to sign may be another physician or psychologist unless one is not available, in which case a social worker, licensed marriage and family therapist, licensed professional clinical counselor, or registered nurse who participated in the evaluation and finding shall sign the notice of certification.

*(Amended by Stats. 2017, Ch. 184, Sec. 3. (AB 191) Effective January 1, 2018.)*

**5270.25.** A second notice of certification is required for all involuntary intensive treatment, pursuant to this article, and shall be in substantially the form indicated in Section 5252.

*(Added by Stats. 1988, Ch. 1517, Sec. 10.)*

**5270.30.** Copies of the second notice of certification as set forth in Section 5270.25, shall be filed with the court and personally delivered to the person certified. A copy shall also be sent to the person's attorney, to the district attorney, to the public defender, if any, and to the facility providing intensive treatment.

The person certified shall also be asked to designate any individual who is to be sent a copy of the certification notice. If the person certified is incapable of making the designation at the time of certification, that person shall be given another opportunity to designate when able to do so.

*(Added by Stats. 1988, Ch. 1517, Sec. 10.)*

**5270.35.** (a) A certification pursuant to this article shall be for no more than 30 days of intensive treatment, and shall terminate only as soon as the psychiatrist directly responsible for the person's treatment believes, as a result of the psychiatrist's personal observations, that the person no longer meets the criteria for the certification, or is prepared to voluntarily accept treatment on a referral basis or to remain on a voluntary basis in the facility providing intensive treatment. However, in those situations in which both a psychiatrist and psychologist have personally evaluated or examined a person who is undergoing intensive treatment and there is a collaborative treatment relationship between the psychiatrist and the psychologist, either the psychiatrist or psychologist may authorize the release of the person but only after they have consulted with one another. In the event of a clinical or professional disagreement regarding the early release of a person who is undergoing intensive treatment, the person may not be released unless the facility's medical director overrules the decision of the psychiatrist or psychologist opposing the release. Both the psychiatrist and psychologist shall enter their findings, concerns, or objections into the person's medical record. If any other professional person who is authorized to release the person believes the person should be released before 30 days have elapsed, and the psychiatrist directly responsible for the person's treatment objects, the matter shall be referred to the medical director of the facility for the final decision. However, if the medical director is not a psychiatrist, he or she shall appoint a designee who is a psychiatrist. If the matter is referred, the person shall be released before 30 days have elapsed only if the psychiatrist believes, as a result of the psychiatrist's personal observations, that the person no longer meets the criteria for certification, or is prepared to voluntarily accept treatment on referral or to remain on a voluntary basis in the facility providing intensive treatment.

(b) Any person who has been certified for 30 days of intensive treatment under this article, shall be released at the end of 30 days unless one or more of the following is applicable:

(1) The patient agrees to receive further treatment on a voluntary basis.

(2) The patient is the subject of a conservatorship petition filed pursuant to Chapter 3 (commencing with Section 5350).

(3) The patient is the subject of a petition for postcertification treatment of a dangerous person filed pursuant to Article 6 (commencing with Section 5300).

(c) The amendments to this section made by Assembly Bill 348 of the 2003–04 Regular Session shall not be construed to revise or expand the scope of practice of psychologists, as defined in Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.

*(Amended by Stats. 2003, Ch. 94, Sec. 7. Effective January 1, 2004.)*

**5270.40.** Any individual who is knowingly and willfully responsible for detaining a person for more than 30 days in violation of the provisions of Section 5270.35 is liable to that person in civil damages.

*(Added by Stats. 1988, Ch. 1517, Sec. 10.)*

**5270.45.** Whenever a county designates two or more facilities to provide intensive treatment and the person to be treated, his or her family, conservator, or guardian expresses a preference for one facility, the professional person certifying the person to be treated shall attempt, if administratively possible, to comply with the preference.

*(Added by Stats. 1988, Ch. 1517, Sec. 10.)*

**5270.50.** (a) Notwithstanding Section 5113, if the provisions of Section 5270.35 have been met, the professional person in charge of the facility providing intensive treatment, his or her designee, and the professional person directly responsible for the person's treatment shall not be held civilly or criminally liable for any action by a person released before or at the end of 30 days pursuant to this article.

(b) The attorney or advocate representing the person, the court-appointed commissioner or referee, the certification review hearing officer conducting the certification review hearing, or the peace officer responsible for detaining the person shall not be civilly or criminally liable for any action by a person released at or before the end of the 30 days of intensive treatment pursuant to this article.

*(Amended by Stats. 2016, Ch. 703, Sec. 23. (AB 2881) Effective January 1, 2017.)*

**5270.55.** (a) Whenever it is contemplated that a gravely disabled person may need to be detained beyond the end of the 14-day period of intensive treatment and prior to proceeding with an additional 30-day certification, the professional person in charge of the facility shall cause an evaluation to be made, based on the patient's current condition and past history, as to whether it appears that the person, even after up to 30 days of additional treatment, is likely to qualify for appointment of a conservator. If the appointment of a conservator appears likely, the conservatorship referral shall be made during the 14-day period of intensive treatment.

(b) If it appears that with up to 30 days additional treatment a person is likely to reconstitute sufficiently to obviate the need for appointment of a conservator, then the person may be certified for the additional 30 days.

(c) When a conservatorship referral has not been made during the 14-day period and it appears during the 30-day certification that the person is likely to require the appointment of a conservator, or when a conservatorship referral has not been made during the initial 30-day period and it appears during a second consecutive 30-day period of intensive treatment approved by a court pursuant to Section 5270.70 that the person is likely to require the appointment of a conservator, then the conservatorship referral shall be made to allow sufficient time for conservatorship investigation and other related procedures. If a temporary conservatorship is obtained, it shall run concurrently with and not consecutively to the 30-day certification period. The conservatorship hearing shall be held by the 30th day of the certification period. The maximum involuntary detention period for gravely disabled persons pursuant to Sections 5150, 5250, and 5270.15 shall be limited to 77 days. This section does not prevent a person from exercising their right to a hearing as stated in Sections 5275 and 5353.

*(Amended by Stats. 2022, Ch. 619, Sec. 1. (SB 1227) Effective January 1, 2023.)*

**5270.65.** Nothing in this article shall prohibit the professional person in charge of an intensive treatment facility, or a designee, from permitting a person certified for intensive treatment to leave the facility for short periods during the person's intensive treatment.

*(Added by Stats. 1988, Ch. 1517, Sec. 10.)*

**5270.70.** (a) If, after 15 days of the 30-day period of intensive treatment pursuant to this article, but at least 7 days before expiration of the 30 days, the professional staff of the agency or facility treating the person finds that the person remains gravely disabled as a result of a mental disorder or impairment by chronic alcoholism and the person remains unwilling or unable to accept treatment voluntarily, the professional person in charge of the facility providing intensive treatment to the person may file a petition in the superior court for the county in which the facility providing intensive treatment is located, seeking approval for up to an additional 30 days of intensive treatment. The court shall immediately appoint the public defender or other attorney to represent the person in the hearing under this section, if that person does not already have counsel to represent them in the proceedings.

(b) Reasonable attempts shall be made by the mental health facility to notify family members or any other person designated by the patient of the time and place of the judicial review, unless the patient requests that this information not be provided. The patient shall be advised by the facility that is treating the patient that the patient has the right to request that this information not be provided.

(c) (1) The court shall either deny the petition or order an evidentiary hearing to be held within two court days after the petition is filed. The court may order that the person be held for up to an additional 30 days of intensive treatment if, at the evidentiary hearing, the court finds all of the following, based on the evidence presented:

(A) That the person, as a result of mental disorder or impairment by chronic alcoholism, is gravely disabled.

(B) That the person had been advised of the existence of, and has not accepted, voluntary treatment.

(C) That the facility providing intensive treatment is equipped and staffed to provide the required treatment and is designated by the county to provide intensive treatment

(D) That the person is likely to benefit from continued treatment.

(2) If the court does not make all of the findings required by paragraph (1), the person shall be released no later than the expiration of the original 30-day period.

(d) A finding under this section shall not be admissible in evidence in any civil proceeding without the consent of the person who was the subject of the finding.

(e) In no event may a person be held beyond the original 30-day period of intensive treatment unless a court has determined that an additional period of up to 30 days of treatment is required, regardless of whether or not the court hearing has been set.

*(Added by Stats. 2022, Ch. 619, Sec. 2. (SB 1227) Effective January 1, 2023.)*