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Code:  Section:

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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 COMMUNITY MENTAL HEALTH SERVICES [5000 - 5987]** (*Division 5 repealed and added by Stats. 1967, Ch. 1667.*)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 2. Court-Ordered Evaluation for Persons with a Mental Health Condition [5200 - 5213]** (*Heading of Article 2 amended by Stats. 2024, Ch. 948, Sec. 13.*)

**5200.** Any person alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled, may be given an evaluation of his condition under a superior court order pursuant to this article. The provisions of this article shall be carried out with the utmost consideration for the privacy and dignity of the person for whom a court-ordered evaluation is requested.

(*Repealed and added by Stats. 1967, Ch. 1667.*)

**5201.** Any individual may apply to the person or agency designated by the county for a petition alleging that there is in the county a person who is, as a result of mental disorder a danger to others, or to himself, or is gravely disabled, and requesting that an evaluation of the person's condition be made.

(*Repealed and added by Stats. 1967, Ch. 1667.*)

**5202.** The person or agency designated by the county shall prepare the petition and all other forms required in the proceeding, and shall be responsible for filing the petition. Before filing the petition, the person or agency designated by the county shall request the person or agency designated by the county and approved by the State Department of Health Care Services to provide prepetition screening to determine whether there is probable cause to believe the allegations. The person or agency providing prepetition screening shall conduct a reasonable investigation of the allegations and make a reasonable effort to personally interview the subject of the petition. The screening shall also determine whether the person will agree voluntarily to receive crisis intervention services or an evaluation in his own home or in a facility designated by the county and approved by the State Department of Health Care Services. Following prepetition screening, the person or agency designated by the county shall file the petition if satisfied that there is probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled, and that the person will not voluntarily receive evaluation or crisis intervention.

If the petition is filed, it shall be accompanied by a report containing the findings of the person or agency designated by the county to provide prepetition screening. The prepetition screening report submitted to the superior court shall be confidential and shall be subject to the provisions of Section 5328.

(*Amended by Stats. 2013, Ch. 23, Sec. 34. (AB 82) Effective June 27, 2013.*)

**5203.** Any individual who seeks a petition for court-ordered evaluation knowing that the person for whom the petition is sought is not, as a result of mental disorder, a danger to himself, or to others, or gravely disabled is guilty of a misdemeanor, and may be held liable in civil damages by the person against whom the petition was sought.

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

**5204.** The petition for a court-ordered evaluation shall contain the following:

- (a) The name and address of the petitioner and his interest in the case.
- (b) The name of the person alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled, and, if known to the petitioner, the address, age, sex, marital status, and occupation of the person.
- (c) The facts upon which the allegations of the petition are based.

(d) The name of, as a respondent thereto, every person known or believed by the petitioner to be legally responsible for the care, support, and maintenance of the person alleged, as a result of mental disorder, to be a danger to others, or to himself, or to be gravely disabled, and the address of each such person, if known to the petitioner.

(e) Such other information as the court may require.

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

**5205.** The petition 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. _____ Petition for Evaluation
_____, residing at _____ (tel. _____), being duly sworn, alleges: That there is now in the county, in the City or Town of _____, a person named _____, who resides at _____, and who is, as a result of mental disorder:	
(1) A danger to others. (2) A danger to himself or herself. (3) Gravely disabled as defined in subdivision (h) of Section 5008 of the Welfare and Institutions Code (Strike out all inapplicable classifications).	
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 upon which the allegations of the petition are based are as follows: That _____ the person, at _____ in the county, on the _____ day of _____, 20____.	
That petitioner's interest in the case is	
That the person responsible for the care, support, and maintenance of the person, 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 evaluation be made to determine the condition of _____, alleged, as a result of mental disorder, to be a danger to others, or to himself or herself, or to be gravely disabled.	
_____ Petitioner _____	
Subscribed and sworn to before me this _____ day of _____ 20____.	
_____, Clerk of the Court _____ By Deputy	

(Amended by Stats. 2003, Ch. 62, Sec. 325. Effective January 1, 2004.)

**5206.** Whenever it appears, by petition pursuant to this article, to the satisfaction of a judge of a superior court that a person is, as a result of mental disorder, a danger to others, or to himself, or gravely disabled, and the person has refused or failed to accept evaluation voluntarily, the judge shall issue an order notifying the person to submit to an evaluation at such time and place as designated by the judge. The order for an evaluation shall be served as provided in Section 5208 by a peace officer, counselor in mental health, or a court-appointed official. The person shall be permitted to remain in his home or other place of his choosing prior to the time of evaluation, and shall be permitted to be accompanied by one or more of his relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. If the person to receive evaluation so requests, the individual or individuals who accompany him may be present during the evaluation.

If the person refuses or fails to appear for evaluation after having been properly notified, a peace officer, counselor in mental health, or a court-appointed official shall take the person into custody and place him in a facility designated by the county as a facility for treatment and evaluation. The person shall be evaluated as promptly as possible, and shall in no event be detained longer than 72 hours under the court order, excluding Saturdays, Sundays, and holidays if treatment and evaluation services are not available on those days.

Persons who have been detained for evaluation shall be released, referred for care and treatment on a voluntary basis, certified for intensive treatment, or recommended for conservatorship pursuant to this part, as required.

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

**5207.** 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 or Detention
The People of the State of California to	
:	
(Peace officer, counselor in mental health, or other official appointed by the court)	

The petition of \_\_\_\_\_ has been presented this day to me, a Judge of the Superior Court 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, as a result of mental disorder, a danger to others, or to himself, or gravely disabled.

Now, therefore, you are directed to notify \_\_\_\_\_ to submit to an evaluation at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_, at \_\_\_\_ o'clock \_\_\_\_ m.

\_\_\_\_\_ shall be permitted to be accompanied by one or more of his relatives, friends, an attorney, a personal physician, or other professional or religious advisor.

The individual or individuals who accompany \_\_\_\_\_ may be present during the evaluation if so requested by \_\_\_\_\_.

\*Provision for Detention for Evaluation

If the person fails or refuses to appear for evaluation when notified by order of this court, you are hereby directed to detain said \_\_\_\_\_ or cause him to be detained at \_\_\_\_\_ for a period no longer than 72 hours, excluding Saturdays, Sundays, and holidays if evaluation services are not available on those days, for the purposes of evaluation.

I hereby direct that a copy of this order together with a copy of the petition be delivered to said person and his representative, if any, at the time of his notification; and I further authorize the service of this order at any hour of the day or night.

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

_____ Judge of the Superior Court _____
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\*This paragraph is applicable only if the person to be evaluated fails or refuses to appear for evaluation after having been properly notified.

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 \_\_\_\_\_ and the professional person in charge of the \_\_\_\_\_, a facility for treatment and evaluation, or his designee.

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

_____ Signature and Title _____
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(Added by Stats. 1967, Ch. 1667.)

**5208.** As promptly as possible, a copy of the petition and 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.

If the person to be evaluated fails to appear for an evaluation at the time designated in the order, the professional person in charge, or his designee, shall notify the person who served the order to have the person to be evaluated detained pursuant to the order.

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

**5210.** At the time a person is taken into custody for 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 taking him into custody 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 taking him into custody 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 taking him into custody 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, except that it does not include the person who applied for the petition under this article.

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

**5211.** The report of a patient's property required by Section 5210 to be made by the person taking him into custody for evaluation shall be in substantially the following form:

Report of Officer

I hereby report to the Superior Court for the County of \_\_\_\_\_ that the personal property of the person apprehended, described generally as \_\_\_\_\_ was preserved and safeguarded by \_\_\_\_\_ (Insert name of person taking him into custody, responsible relative, guardian, or conservator).

That property is now located at \_\_\_\_\_.

Dated: ____ 19__.	
	____ Signature and Title ____

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

**5212.** Whenever possible, persons charged with service of orders and apprehension of persons pursuant to this article shall dress in plain clothes and travel in unmarked vehicles.

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

**5213.** (a) If, upon evaluation, the person is found to be in need of treatment because the person is, as a result of a mental health disorder, a danger to self or others, or is gravely disabled, the person may be detained for treatment in a facility for 72-hour treatment and evaluation. Saturdays, Sundays, and holidays may be excluded from the 72-hour period if the State Department of Social Services certifies for each facility that evaluation and treatment services may not reasonably be made available on those days. The certification by the department is subject to renewal every two years. The department shall adopt regulations defining criteria for determining whether a facility may reasonably be expected to make evaluation and treatment services available on Saturdays, Sundays, and holidays.

(b) Persons who have been detained for evaluation and treatment, who are receiving medications as a result of their mental illness, shall be given, as soon as possible after detention, written and oral information about the probable effects and possible side effects of the medication, by a person designated by the mental health facility where the person is detained. The State Department of Social Services shall develop and promulgate written materials on the effects of medications, for use by county mental health programs as disseminated or as modified by the county mental health program, addressing the probable effects and the possible side effects of the medication. The following information shall be given orally to the patient:

(1) The nature of the mental illness, or behavior, that is the reason the medication is being given or recommended.

(2) The likelihood of improving or not improving without the medications.

(3) Reasonable alternative treatments available.

(4) The name and type, frequency, amount, and method of dispensing the medications, and the probable length of time that the medications will be taken.

(c) The fact that the information has or has not been given shall be indicated in the patient's chart. If the information has not been given, the designated person shall document in the patient's chart the justification for not providing the information. A failure to give information about the probable effects and possible side effects of the medication does not constitute new grounds for release.

*(Amended by Stats. 2019, Ch. 9, Sec. 21. (AB 46) Effective January 1, 2020.)*