Effective January 1, 2023, and pursuant to AB-2275, due process hearings will now be scheduled whenever individuals have been detained pursuant to 5150 (for more than 72 hours and up to 7 days) at facilities where initiating a 5250 (14-day hold) is not possible. Non-LPS-designated facilities and crisis stabilization units will be expected to comply with this amended law, notify the Patient Advocacy Program and conduct due process hearings. The involuntary detention begins at the first moment of detention.

- If the patient wants to remain at the facility on a voluntary basis a hearing is not required.

- Does the patient wish to leave the hospital, and continue to be detained at the end of the initial 72-hours, due to symptoms related to Danger to Other, Danger to Self, or Grave Disability?
  - Notify Patient Advocacy via telephone and/or fax the 5150-form (you can do both) as soon as the initial 72 hours is expiring. Include the location and follow-up contact for your facility.
  - A hearing will be scheduled by the court by or on the 7th day of detention.
  - Prepare to locate a private space for the hearing to take place.
  - Prepare relevant staff to present why the facility believes this patient should remain detained.
  - How to prepare for the hearing - see reverse.

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PREPARING FOR A HEARING (CONT’D)

Location of the Hearing
Must be held in an area allowing for safety, quietness, and a reasonable degree of confidentiality.

Facility Representative
A registered nurse, psychiatrist, social worker, or psychologist must be present at the hearing to give testimony and answer questions regarding the basis for continued detention.

What Needs to be Addressed
What psychotropic medication is being provided and what symptoms are being targeted?
- Name of medication and dosage
- When it was last given
- Any side effects (e.g., sedation)
- Whether the medication(s) impact the patient’s ability to participate
- Any PRNs? TIP: Be prepared to provide dates & circumstances.
- Any emergent intramuscular medication? TIP: Be prepared to provide dates & circumstances.

What is the basis for detention? Danger to Others? Danger to Self? Grave disability?

Current symptoms indicating the need for continuing involuntary hospitalization.
- Be specific (avoid conclusionary statements).
- The desire to leave the hospital, absent other symptoms or behaviors, cannot serve as the only basis for continued detention.
- If available, provide information of past (preferably recent) psychiatric hospitalizations.
- What are the behaviors seen related to mental illness?
- Why can’t the symptoms be managed in a less restrictive environment?
- Be prepared to answer questions related to ongoing symptoms. For grave disability, is the person eating their meals? Is the person wearing their clothing appropriately?

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DISCLAIMER: The information on these pages is provided for general informational purposes only and may not reflect the current law in your jurisdiction. No information contained on this page should be construed as legal advice from Patient Advocacy or the individual author, nor is it intended to be a substitute for legal counsel on any subject matter.

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