

Alameda County Behavioral Health Department

Understanding WIC § 5270: Implementation in Alameda County

Webinar Dates: July 29, 2025 & August 5, 2025

What is WIC § 5270?

- Operations in Alameda County *Prior to August 1, 2025*:
 - The Lanterman–Petris–Short (LPS) Act governs the involuntary commitment of individuals in mental health facilities in California. The LPS process includes a 72-hour Mental Health Involuntary Hold (also known as a 5150 (adults) and 5585 (minors) and a 14-day Mental Health Involuntary Hold and Certification Hearing (also known as a 5250).
- As of August 1, 2025, additional LPS hold is authorized:
 - **a 30-day Involuntary Hold and Certification Hearing (for Grave Disability only, also known as a 5270).**

WIC § 5270 Hold: Background and Legislative Intent

- ❑ § 5270 hold is a 30-day Lanterman-Petris-Short Act (LPS) hold for **Grave Disability only**
- ❑ History and Legislative Intent
 - Added to the LPS in 1988 at Welfare & Institutions Code (WIC), §5270.10, et. seq.
 - Only operative in Counties where the Board of Supervisors formally adopts
 - Alameda County Board of Supervisors adopted June 17, 2025
 - **§ 5270 holds may be written in Alameda County starting August 1, 2025**
- ❑ § 5270.15 provides for 30 days of involuntary, inpatient hospitalization for Clients (Adults or Minors) who remain Gravely Disabled at the end of their 5250 holds
- ❑ Intended to replace a temporary conservatorship for Clients expected to reconstitute in 30 days or less of additional, inpatient treatment

Prerequisites to Initiating a § 5270.15 Hold:

- ❑ Client is currently on a § 5250 hold that is at its completion
 - Not any other LPS hold, including § 5150, § 5260 (DTS) or § 5300 (DTO)
- ❑ Client has been evaluated and the provider(s) find:
 - Client (Adult or Minor) presently meets criteria for Grave Disability

AND

- ❑ Based on current condition and past history
 - Client is likely to reconstitute (no longer meet Grave Disability criteria) in 30 days or less of continued inpatient treatment, obviating the need for a temporary conservatorship

AND

- ❑ Client has been offered continued voluntary hospitalization and is unwilling or unable to accept it

Legal Framework for a 5270 Hold

Maximum Detention:
30 days -- unless:

- Transition to **conservatorship**
- **Section 5300** hold for dangerous individuals (not gravely disabled).

5270 Hold
Termination
Scenarios:

- Client no longer meets **Grave Disability** criteria
- Client accepts **voluntary treatment**
- Dismissed via **court process.**

Case Study: 30-Day Hold 5270 Impact in San Francisco

30-day hold 5270 Only operative in Counties where the **Board of Supervisors formally adopts** -- currently adopted by *San Francisco County, Santa Clara County, Contra Costa, Sonoma County, Marin County, and San Mateo County.*

66% Drop in Conservatorship Referrals (2013–2018)

- Use of 30-day holds reduced the need for temporary conservatorships.

Improved Recovery Through Prolonged Treatment and Substance Abstinence

- Clinical treatment and substance abstinence stabilized clients with co-occurring disorders.
- Many patients avoided conservatorship as behavioral symptoms improved under clinical supervision and care.

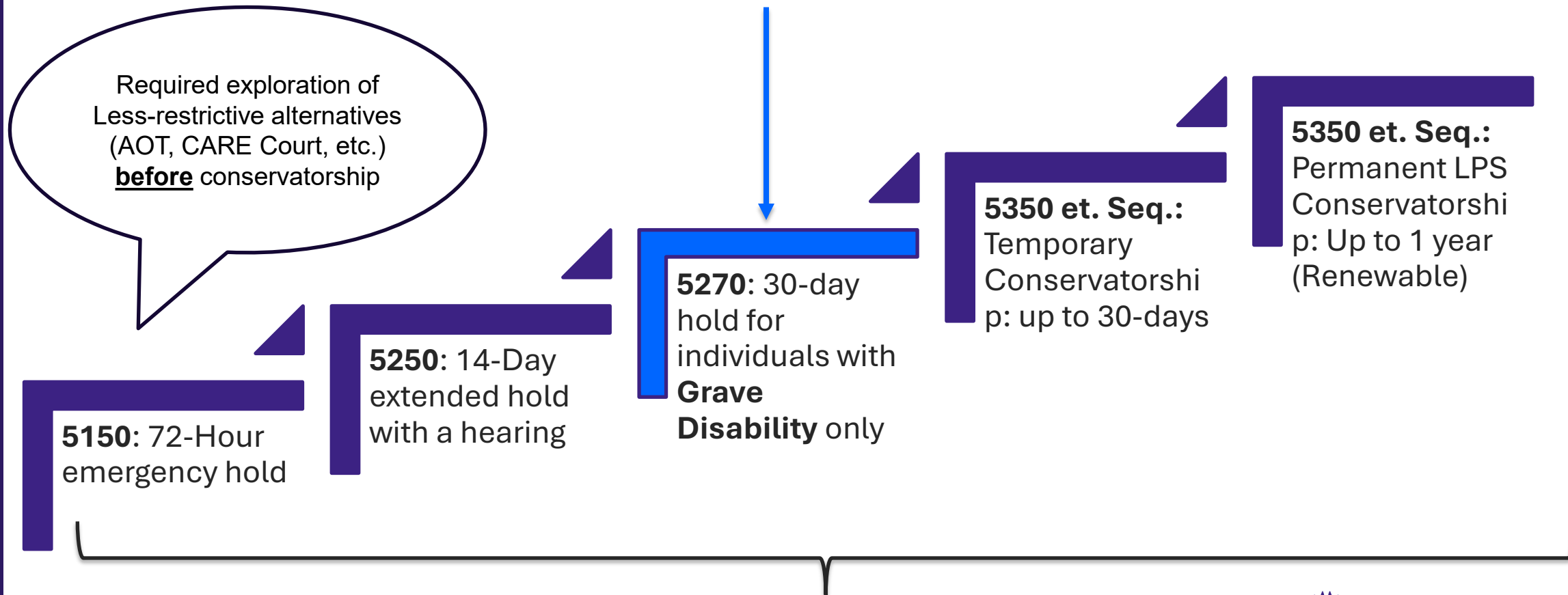
Key Takeaway for Alameda County

- Effective alternative to conservatorship by promoting recovery.
- Collaborative care pathways prevent institutionalization and ease system burdens.

Overview of the LPS Act Process for Involuntary Holds

LPS Act:

Governs involuntary psychiatric care in California, including holds such as 5150, 5250, **and the 5270 hold for extended inpatient treatment of up to 30 days.**



Key Types of Psychiatric (LPS) Holds

**WHO may
initiate a
§ 5270.15?**

- **Differs from who can *sign* a 5250**
- For a person to be certified, a notice of certification shall be signed by two people.
 1. The “**professional person in charge of the facility**” (may or may not be an MD)

AND

 - 2. who participated in the evaluation. **An MD or psychologist (with 5+ years experience)**

OR

 - 3. If Professional Person in charge is an MD or psychologist (with 5+ years experience) *who participated in the evaluation*, then an LCSW, LMFT, LPCC or RN who also participated in the evaluation IF a second MD or psychologist is unavailable.

§ 5270.15 Certification Procedure

- Provider(s) complete a § 5270.15 certification form (DHCS Form 1808)
 - Factual statement of probable cause that Client is presently Gravely Disabled
 - Begin/end date of hold
 - Signed by 2 authorized signatories
 - Personally served to client with attestation of service
- Notification of Patient's Rights Advocates
 - Email the **Notice of Certification** document to alameda_ptadvocate@mhaac.org
 - Additionally, a facility may transmit the **Notice of Certification** via fax **(510) 835-1062** which will automatically generate an email to the patient advocate email address
 - Hold is emailed or faxed to the Patient's Rights Advocate on the day executed noting whether it is a 5270 hold versus 5250 hold

NOTICE OF CERTIFICATION FOR INTENSIVE TREATMENT PURSUANT TO SECTION 5250 OR 5270.15 (DHCS FORM 1808)

State of California
Health and Human Services Agency

Department of Health Care Services

NOTICE OF CERTIFICATION FOR INTENSIVE
TREATMENT PURSUANT TO SECTION 5250 (14
DAYS INTENSIVE TREATMENT) OR 5270.15
(ADDITIONAL 30 DAYS INTENSIVE TREATMENT)
OF THE WELFARE AND INSTITUTIONS CODE

CONFIDENTIAL PATIENT
INFORMATION

☐ 14 day hold
☒ 30 day hold

The authorized agency providing 14-day intensive treatment, County of _____
has custody of:

Name _____

Address _____

Marital Status _____ Date of Birth _____ Sex _____

We, the undersigned, allege that the above-named person is, as a result of a mental disorder
or impairment by chronic alcoholism (mark all that apply):

☐ A danger to others ☐ A danger to himself or herself ☒ Gravely disabled as defined in
subdivision (h) of Section 5008 of
the Welfare and Institutions Code

The specific facts which form the basis for our opinion that the above-named person meets one
or more of the classifications indicated above are as follows:

The above-named person has been informed of this evaluation, and has been advised of the
need for, but has not been able or willing to accept treatment on a voluntary basis, or to accept
referral to, the following services:

We, therefore, certify the above-named person to receive intensive treatment related to the mental
disorder or impairment by chronic alcoholism beginning this ____ day of _____, 20____, in the
intensive treatment facility herein named: _____

Signature: _____ Date: _____

Signature: _____ Date: _____

I hereby state that I delivered a copy of this notice this day to the above-named person and that
I informed him or her that unless judicial review is requested a certification review hearing will be
held within four days of the date on which the person is certified for a period of intensive treatment
and that an attorney or advocate will visit him or her to provide assistance in preparing for the
hearing or to answer questions regarding his or her commitment or to provide other assistance.
The court has been notified of this certification on this day.

Signature: _____ Date: _____

Original: Superior Court

Copies: Person Certified – Personally delivered
Person's Attorney
Public Defender
District Attorney
Intensive Treatment Facility

DHCS 1808 (Revised 12/2019)

§ 5270.15 Recommended Patient Notification Language

- Clear explanation of the 5270 hold and its purpose
- Reasons for the hold (Gravely Disabled)
- Patient rights during the hold
- Potential outcomes of the hold
- Patient's Rights Advocates Contact information
- This information must be in an accessible language or modality.

Grave Disability Criteria for Adults

- **Currently:** *“A condition in which a person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter.”*
- **As of January 1, 2026 (SB 43):** *“A condition in which a person, as a result of a mental health disorder, a severe substance use disorder, or a co-occurring mental health disorder and a severe substance use disorder, is unable to provide for their basic personal needs for food, clothing, shelter, personal safety, or necessary medical care.”*

GRAVE DISABILITY for Adults

- A client is **NOT** Gravely Disabled:
 - By reason of homelessness or poverty alone. Grave Disability is an inquiry into the client's ability or skills not his/her/their wealth
 - By reason of intellectual, or developmental disability, or other organic brain disorder alone
- Client (Adult or Minor) has “Third Party Assistance”: the help of a responsible family members, friends or others who are both willing and able to provide food, clothing and shelter to the client.

GRAVE DISABILITY for Minors

- **SB 43 did not amend the definition of grave disability for minors.**
- A minor who, as a result of a mental disorder, is unable to use the elements of life that are essential to health, safety, and development, including food, clothing, and shelter, even though provided to the minor by others.
- Intellectual disability, epilepsy, or other developmental disabilities, alcoholism, other drug abuse, or repeated antisocial behavior do not, by themselves, constitute a mental disorder.

HEARING RIGHTS:

- Certification review hearing within 4 days of certification
- Writ of habeas corpus
- Hearing options the same as 5250: (review hearing, writ of habeas corpus, waiver)

HEARING PROCEDURE:

- Identical to 5250 hearing:
- Hearing officer presides over certification review hearing
- Authorized representation of the hospital (doctor not required) presents probable cause
- Patient's Rights Advocates defend on the certification review hearing
- Public Defender / Superior Court handle requests for writs of habeas corpus

MAXIMUM Period of Detention/ Termination of a § 5270 HOLD

MAXIMUM PERIOD OF DETENTION:

- 5150 (72 hours), 5250 (14 days), 5270 (30 days) = maximum 47 days
 - Intervening periods of voluntariness count in the 47-day maximum
 - Liable for civil damages for knowingly and willfully holding past 30 days on 5270

MUST RELEASE AT THE END OF 47 DAYS, UNLESS:

- Conservatorship
- Section 5300 hold for Danger to Others

TERMINATION HOLD:

- Treating psychiatrist finds Client no longer meets criteria
- Client becomes willing or able to accept voluntary treatment
- Client wins a certification review hearing or writ of habeas corpus

RIESE Petitions on § 5270

RIESE PETITION CARRY-THROUGH:

- A Riese Petition granted on a 5150 can carry-through to a 5250 if hearing officer so orders
- A Riese Petition cannot carry-through from a 5250 to 5270
- **A new Riese Petition must be granted to involuntarily medicate on 5270 hold**

RIESE HEARING PROCESS:

- Same petition, notice and hearing requirements as a Riese on any other hold
- Refusal of medications is still a threshold issue.
- Client has right to a post-decision writ of habeas corpus

MISCELLANEOUS PROVISIONS:

- **Providers must review** whether a client on a 5270 continues to meet criteria for Grave Disability and/or is willing to be voluntary at intervals not exceeding 10 days.
- **Facilities must attempt to comply with a preference for facility** in which to be detained on the 5270 expressed by the client, client's family, a conservator, or guardian.
- **A facility may permit a client on a 5270 to leave the facility** for short periods of time.
- **All statutory patients' rights laws apply:**
 - Including: Seclusion, Restraint, & IM

MISCELLANEOUS PROVISIONS:

- LPS § 5270.70 does allow for an additional 30 days of involuntary treatment in the event that this is deemed necessary. Such a petition goes directly to the Superior Court

“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.”

Conservatorship Referrals During 5270

Holds

Referral for Temporary Conservatorship:

- *Most* cases should not be referred for conservatorship following a 5270 hold.
- The Legislature's purpose for 5270 was to reduce conservatorship filings.
 - “It is the intent of the Legislature to reduce the number of gravely disabled persons for whom conservatorship petitions are filed....”W&I Code § 5270.10

Referral for Temporary Conservatorship:

- In the rare cases where circumstances change and a conservatorship referral needs to be made; the referral must be made early in the hold.
- 5270 requires that any temporary conservatorship runs “concurrently with and not consecutively to the 30-day certification period.” W&I Code § 5270.55
- The conservatorship hearing must take place by day 30 of the 5270 hold. W&I Code § 5270.55

Notice Requirements for Temporary Conservatorship:

- **The conservatee must receive a notice of intent to file a temporary conservatorship** at least 5 calendar days before the petition is filed. Probate Code § 2250.2(c)
- **The conservatee must receive notice of the hearing** on the temporary conservatorship 15 calendar days before the hearing date. Probate Code §§1822–1824

Referral Must Be Made by Day 5 of the 30-day 5270 Hold

- Given these requirements the *latest* the referral for a temporary conservatorship can be made to the Public Guardian is day 5 of the 30-day 5270 hold.
- The facility must also give notice to the conservatee of the temporary conservatorship at the same time.

Alameda County Patient's Rights Advocates

(Central line for mental health consumers)

(510) 835-2505 / (800) 734-2504

Alameda County Mental Health ACCESS Line

1-800-491-9099

Alameda County Substance Use Treatment & Referral Helpline

1 (844) 682-7215

Alameda County Crisis Services

Dial 988 or (800) 309-2131

Thank you!

**WIC § 5270 Implementation in
Alameda County (System Update)**



**Behavioral Health
Department**
Alameda County Health