

What is a 5250?

The Patients' Rights Advocate Program is a program of **Advocacy, Inc.**, an independent nonprofit serving the Santa Cruz and San Benito communities.

Services are free of charge.

The purpose of this brochure is to explain the 14-day legal hold used to keep patients in psychiatric hospitals involuntarily: the 5250.

During this involuntary hold, you have legal rights. The rights can be found in the patients' rights handbook and on the patients' rights poster, and can be discussed with the Patients' Rights Advocate.

Contact the Advocate at:

(831) 429-1913

What You Should Know About Your 14-Day Hold

The Patients' Rights Advocate Program



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Questions you may have...

What happens at the end of my 3-day hold (72 hours)?

At the end of the 3-day hold, you may be discharged from the psychiatric health facility or placed on a 14-day hold for further treatment.

What is a 14-day hold?

If your treating psychiatrist and treatment team decides that you remain a danger to yourself, or a danger to others, or that you cannot provide for your food, shelter and clothing because of a psychiatric condition (gravely disabled), you may be placed on a 14-day hold for further treatment. Within four days of being on the 14-day hold, you must have a legal hearing to determine whether the hospital may continue to hold you involuntarily. In this hearing you may ask for your release from the Hearing Officer.

How do I know if I have been placed on a 14-day hold?

Before the end of your 72-hour hold, a staff member will inform you if you are being placed on a 14-day hold and you will be given a copy of the hold notice which will explain when the hold starts and why you are being held.

Who else will be informed that I have been placed on a 14-day hold?

The Patients' Rights Advocate will receive a copy of the hold form and will contact you to discuss your rights after you are placed on the hold. If you wish another person to be notified (such as a friend, family member or lawyer), the hospital staff will notify that person at your request.

What if I feel that the hospital does not have good reason to hold me against my will?

You will have a Certification Review Hearing (CRH) within 4 days after you are placed on a 14-day hold. If it is determined by the Hearing Officer that there is insufficient evidence to believe that you are a danger to yourself, a danger to others, or gravely disabled (meaning you are unable to provide for your food, shelter and clothing), you will be released from involuntary hospitalization at that time.

Will I have any help with the hearing?

The Patients' Rights Advocate will help you prepare for your hearing, answer any questions, and offer information about involuntary treatment and your rights. The Advocate can represent you at your hearing if you desire, and will be available to you after the hearing to provide any additional information and to discuss next steps you may take.

What are hearings like?

The hearings are conducted at the facility where you are being held. A Hearing Officer appointed by the County, who has no connection with the facility, will conduct the hearing. A member of the staff, usually your Social Worker, and the patients' Rights Advocate will be present. The hearing will be informal. Your Social Worker will present information to support the treatment team's request for you to remain on the 14 day hold. In turn, you and the Patients' Rights will provide information to support your position. After all the information is presented and questions answered, the Hearing Officer will make a decision.

What will happen if I ask for my release from the 14-day hold and the Hearing Officer does not agree with me?

If the Hearing Officer does not release you during the Certification Review Hearing (CRH), you will remain in the facility until the treating psychiatrist and treatment team decide you are ready to be discharged. You may be discharged before the 14 day elapse.

What is a Writ?

A Writ is an abbreviated way of saying, "Writ of Habeas Corpus." It is your means of having your 14-day hold reviewed by a Superior Court Judge. You will be brought to court and a Public Defender will represent you. The Judge will have the final decision whether you are released or to continue the hold.

When can I ask for the Writ?

You may ask for a Writ anytime after you have been placed on a 14-day hold (5250). However, you may want to file the Writ following the Certification. The Patients' Rights Advocate will be available to provide further information and assistance.